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## CONGRESSIONAL RECORD — SENATE

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Missouri," by Henry C. Hart, University of Wisconsin Press; "Toward Responsible Government," by Edward F. Renhaw, Idylla Press, Chicago; publications of Resources for the Future, Inc., and the Conservation Foundation; proceedings of the western resources conference, published by the University of Colorado Press.

## UKRAINIAN INDEPENDENCE DAY

Mr. PROXMIRE. Mr. President, this year we celebrate the 44th anniversary of the historic independence day of the great Ukrainian people. It is a sad fact of history that the liberty-loving people of the Ukraine experienced freedom and self-government for only 2 years, from 1918 to 1920. This brief period of independence was the culmination of a struggle for self-determination which began in the 17th century, and endured for more than 300 years. The people of this nation struggled against great odds to establish their homeland as a free, independent state. Repeatedly their efforts were blocked by their neighboring states. When they finally succeeded, in 1918, it was to be for a heart-breakingly short period. Yet the people of this nation continue to believe in and yearn for freedom and independence.

Americans of Ukrainian descent, in Wisconsin and elsewhere in our Nation, look back through these 44 years to the time when their country was independent. All of us today know and admire their marvelous cultural attainments, their personal self-reliance and strength, and their devotion to freedom and independence. These are treasured American traits, as well. We are all the better for having them added to our national character.

The great Ukrainian poet, Taras Shevchenko, by his life and by his writings, reminds us all of the greatness and the unfulfilled hopes of his people. On this anniversary of Ukrainian independence, I salute his memory, and the memory of a nation, which though briefly independent, has left its mark on history.

## EXECUTIVE SESSION

The Senate resumed the consideration of executive business.

## DIRECTOR OF CENTRAL INTELLIGENCE

Mr. MANSFIELD. Madam President, I move that the Senate proceed to the consideration of the nomination of John A. McCone, of California, to be Director of Central Intelligence.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

Mr. MANSFIELD. Madam President, what is the pending nomination?

The PRESIDING OFFICER. The nomination of John A. McCone, of California, to be Director of Central Intelligence.

Mr. MANSFIELD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCARTHY. Madam President, in introducing this nomination to the Armed Services Committee, the chairman of the committee, the Senator from Georgia [Mr. RUSSELL], said with reference to the Office of Director of the Central Intelligence Agency:

This office is perhaps second only to the Presidency in its importance.

Certainly it is.

This is one of the most important confirmations which the Senate is called upon to make. In my opinion, it ranks in importance ahead of most Cabinet confirmations for several reasons: the importance of the work of the CIA, the relative freedom of action given the head of the CIA and to his subordinates, and the lack—a very serious lack—under existing practice, of any continuing direction or of effective review of CIA activities by the Congress.

I have in the past supported and advocated establishment of a joint committee of the Congress to exercise continuing supervision over the activities of the CIA, somewhat in the same manner that the Joint Committee on Atomic Energy operates. If such a committee existed, the choice of the head of the CIA and Senate confirmation would not be so critical as it is.

There is no regular or normal procedure in existence or in use today by which committees of the Congress are consulted or informed of CIA activities. During a discussion of a proposed Joint Committee on Central Intelligence on the floor of the Senate on April 9, 1956, the Senator from Montana [Mr. MANSFIELD] asked:

How many times does CIA request a meeting with the particular subcommittees of the Appropriations Committee and the Armed Services Committee.

The Senator from Massachusetts [Mr. SALTONSTALL], a member of both committees, replied:

At least twice a year that happens in the Armed Services Committee, and at least once a year it happens in the Appropriations Committee. I speak from my knowledge during the last year or so.

Obviously there is no regular procedure. Certainly there is no indication of any kind of current and continuous supervision and consultation.

Intelligence activities raise special problems and need special attention. I would like to quote significant passages from an article by Harry Howe Ransom in the New York Times magazine, May 21, 1961:

Central Intelligence today has three principal functions: intelligence collection, its analysis and communication to policymakers, and clandestine foreign political operations. The increasing necessity of

these activities is attributable to three major reasons.

From earliest times, an intelligence apparatus has been an indispensable part of the paraphernalia of a great world power. The worldwide responsibilities of the United States today require both a system for keeping the complex details of world politics under constant surveillance and an instrument for secret foreign political action.

A second reason is that national policy decisions are based, increasingly, upon predictions of foreign political, economic, and military developments 5 to 10 years hence. This fact is a consequence of the long lead-time in developing weapons systems and of the need to make economical use of finite resources to implement long-range foreign policy objectives.

Consequently, an intelligence system today is asked an incredibly wide range of urgent questions, answers to which can be obtained sometimes only by devious methods. When will Communist China test an atomic device? What future has the economic integration of Europe? How stable is the Government of South Vietnam? What course will Sino-Soviet relations take?

These are among the questions to which Mr. Ransom has pointed as examples of the kinds of things Central Intelligence is expected to be concerned about and on which it is expected to make some judgments and some recommendations.

A third reason derives from modern military-technological developments. Intelligence, it often is said, has become the first line of defense. Accurate and rapidly transmitted information is an absolute requirement for an effective strategy of deterrence. Strategic striking forces must have an accurate dossier of potential enemy targets. And essential elements of information always must be available to thwart an enemy's possible surprise knockout blow.

He continues with these words:

Short of declared war, however, secret operations are widely regarded as a dirty business, unfitting America's open, democratic—and formerly isolationist—society. Events of recent years have, nonetheless, revealed to the public at least the top of the iceberg of a vast secret intelligence program.

Distasteful or not, secret operations have become a major underground front of the cold war. The accelerating pace of cold warfare in Laos, South Vietnam, Thailand, the Congo, Latin America, and elsewhere increases the pressure for greater American involvement in the secret "black arts."

One's attitude toward these activities will depend, finally, upon one's assessment of contemporary international politics and of the requirements for the common defense. President Kennedy recently declared that the cold war has reached such a stage that "no war ever posed a greater threat to our security." If they take that as a valid assessment, most Americans will assume, although doubtless with misgivings, a wartime attitude toward secret operations.

Whatever one's view, the existence of a secret bureaucracy poses special problems in the American system of government. Knowledge is power. Secret knowledge is secret power. A secret apparatus, claiming superior knowledge and operating outside the normal checkreins of American democracy is a source of invisible government.

I suggest that this is a most significant statement in the article by Harry Ransom.

He continues:

How then can the controls of a democratic system be imposed upon the intelligence sys-

tem while maintaining the secrecy required for its successful operation? Secret operations must remain immune from some of the normal checks, especially publicity. Heavy dependence must be placed upon politically responsible officials to exercise control.

In a parliamentary democracy, such as Great Britain, the problem is less acute.

The problem is less acute in Great Britain than it is under our system of government.

He continues:

Parliamentary government unifies executive and legislative responsibility under majority-party leadership. When Ministers are also Members of Parliament, responsibility for management of secret functions is reinforced.

British intelligence services, too, are so organized that secret political operations overseas are entirely separate from political and military intelligence functions. An agency for secret operations is supervised by a special Cabinet subcommittee. The point is that all are under firm political authority.

This essay describes the situation in British intelligence activities. The control of the activity and the direction of it is quite different from that which exists in the United States today.

Charles Wilson, as Secretary of Defense, described this danger at a press conference in 1957 with these words:

You see, what I get for my purpose is an agreed-on intelligence estimate. I have to take that, or I would have to bore through an enormous amount of detail myself to try to say that they were wrong or right. I accept what they say.

The statement or comment by Charles Wilson indicates one of the fundamental problems, namely, that original intelligence estimates or decisions which are made at a relatively low level begin to move through channels and to pick up momentum as they move along until, at the point of final decision, it is extremely difficult to change the direction or to bring a movement or an action to a halt.

Hanson Baldwin, as military commentator for the New York Times, wrote in his column of January 15, 1956:

If war is too important to be left to the generals, it should be clear that intelligence is too important to be left to the unsupervised.

Walter Lippmann, looking at the same problem from a slightly different point of view, wrote soon after the recent change of personnel in the State Department that reform of the CIA should seem easier and more necessary.

For—

He said—

the CIA should cease to be what it has been much too much, an original source of American foreign policy. That is what has gotten it into trouble, and that is what needs to be cured.

Mr. Allen Dulles once said:

In intelligence you have to take some things on faith.

I acknowledge the truth of this, but also acknowledge and insist that faith is no excuse for lack of knowledge or for failure to seek out facts; nor should it be accepted as a convenient device for shunning responsibility.

If Walter Lippmann, Harry Ransom, Charles Wilson, and Hanson Baldwin are right, Congress must be concerned since it, along with the President, has responsibility for determining foreign policy.

In any case, the head of the Central Intelligence Agency will take on great responsibilities and acquire great powers which, at least insofar as Congress is concerned, he can exercise with little or no supervision. Under the law, he can withhold titles, salaries, or numbers of personnel employed by the Agency. He can approve the entry into the United States of certain aliens and of their families, subject to concurrence of the Attorney General and the Commissioner of Immigration and Naturalization. He will have authority to expend funds without regard to the provision of law and regulations relating to the expenditure of Government funds on vouchers certified by him alone.

These are unusual powers, and powers which Congress traditionally has not yielded easily. But they are, I think necessarily granted in this case.

A part of the CIA's work is the preparation of the national intelligence estimates which are used as important guides in the formulation of foreign and defense policy. The CIA is an evaluator as well as a collector of facts. This agency should find and present the facts as they are and interpret them with full objectivity.

The Director of the CIA is Chairman of the U.S. Intelligence Board. Other members represent the Defense Department; the intelligence components of the Army, Navy, and Air Force; the National Security Agency, the Atomic Energy Commission, the FBI, the Joint Chiefs of Staff, and the State Department.

The head of the CIA briefs the National Security Council at each of its meetings and is always asked to remain for the ensuing discussion.

Customarily, at least, he is asked to remain for the ensuing discussion.

Although the head of the CIA is not a member of the NSC, he does remain and participates in the discussions.

What is the statutory or legal basis for the operation of Central Intelligence? Quoting again from the Harry Ransom article:

The CIA's functions are specified, broadly, by Federal statutes, defining the Agency as an instrument of the Presidency. The CIA's operational guidelines are some two dozen codified National Security Council intelligence directives, approved by the President. Actions such as the U-2 flights and the Cuban expedition must be approved specifically by the President. In the past he has had the advice on such matters of a special NCS subcommittee on clandestine operations.

A second potential check has been the President's eight-man Board of Consultants on Foreign Intelligence Activities. This was established early in 1956, after a Hoover Commission study expressed concern about the possibility of the growth of license and abuses of power where disclosures of costs, organization, personnel, and functions are precluded by law.

The first chairman of this group, composed largely of distinguished industrialists and former armed services officers, was James R. Killian, Jr., then president of the Massa-

chusetts Institute of Technology. President Kennedy recently reappointed Dr. Killian to the chairmanship of a reconstituted board after a 2-year interval in which Gen. John E. Hull, retired Army officer, presided.

Central Intelligence is subject today to three major criticisms. They involve questions of control by responsible authority, the efficiency of existing organizations, and the problem of secrecy.

We attempt to determine how much should be kept secret, how much information should be made available to the public, and how much should be made available to Congress itself. It is true that the Central Intelligence Agency officially operates under Presidential directives and is supervised in a general way or checked upon by interdepartmental groups from the National Security Council. They participate in both interpreting intelligence data and in authorizing covert operations. But the principal intelligence adviser and the highest authority remains the Director of Central Intelligence, who is armed with extraordinary secrecy inside the Government and with a secret budget.

I think we must acknowledge that ours is a government of laws and not of men, in one sense, but we must acknowledge, too, that this is a government of men as well as of laws, and in the important positions of policy determination, and in originating ideas in the field of foreign policy, there is certainly a flow of authority from the President down and there is also a flow from those appointed by him or who are put in important positions of trust and decision upward through the channels to the President himself.

Quoting further from Mr. Ransom:

In a complex world of fast-moving events and in a Washington intelligence community where CIA professionals are increasingly influential, too few sources of countervailing power exist. This particularly is a problem with covert operations in which the Presidency is largely dependent upon the CIA for information on what is being done or what needs doing. The danger of self-serving by the Agency is great. CIA may, without careful policy guidance, write its own ticket.

That is true of all Government agencies, and I see no reason to believe that it would not also be true of the Central Intelligence Agency.

Mr. DOUGLAS. Madam President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. DOUGLAS. I ask the Senator from Minnesota if he knows of any instances in which the Central Intelligence Agency has carried out in the field a policy directly contrary to the policy of the State Department.

Mr. McCARTHY. There have been a number of reported cases in which the Central Intelligence Agency activities were reported to be counter to what the State Department advocated. In other cases the Agency carried on a policy without any direction or knowledge on the part of the State Department.

Mr. DOUGLAS. Does the Senator from Minnesota remember the speech which Colonel Nasser delivered at Alexandria, Egypt, in July 1956, I believe?

Mr. McCARTHY. Yes; I do.

Mr. DOUGLAS. Is it not true that in that speech Colonel Nasser said that a high representative of the U.S. Government had come to him and said that the State Department was sending out Mr. George E. Allen, who later became Ambassador to Greece, to make a protest to him about some of his actions in connection with the Suez Canal, and that this high official of the American Government then told him to pay no attention to Mr. Allen and to disregard what he said? I do not believe I have the clipping with me concerning the incident, but I am certain that Nasser followed out that advice, and at one time said he was tempted to kick Mr. Allen down stairs.

In November 1956, when I was in Cairo, I thought the man in question was probably the former Ambassador to Egypt, Mr. Byroade, who was transferred from Egypt to the Union of South Africa. But I found upon inquiry—and I believe this information has since been confirmed—that it was not Mr. Byroade at all but a regional representative of the CIA who bears the name of a famous American family.

Does the Senator from Minnesota know anything about that incident?

Mr. McCARTHY. I am familiar with the story. So far as I know, there has been—and perhaps this is in keeping with the operation of the Agency—no attempt to repudiate or to deny essentially the story that the Senator has related, which has been about for a long time.

Mr. DOUGLAS. I checked very carefully with the Embassy in Cairo. Representatives of the Embassy were united in saying that it had not been Mr. Byroade—but it had been the regional representative of the CIA. Whether that action was taken without the knowledge of the Director of the Central Intelligence Agency, which I suppose may well have been the case, is it not in all probability an illustration of the CIA and the State Department moving exactly at cross purposes in a very crucial situation?

Mr. McCARTHY. It would certainly be an example of what the Senator suggested. Since the Senate has a particular responsibility in the determination of the policies to be carried out by the State Department, we need to be particularly concerned to be sure that Central Intelligence is not carrying out a contrary policy. I am sure the President and the State Department, too, representing the executive branch of the Government, also need to be concerned.

Mr. DOUGLAS. Is it not true that in that case the advice which was supposedly given by the CIA made Colonel Nasser much more intransigent than he would otherwise have been which helped to aggravate the crisis over Suez?

Mr. McCARTHY. That was certainly the interpretation which was placed upon the reported incident.

Mr. SYMINGTON. Madam President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. SYMINGTON. It is true, is it not, that the Director of the Central Intelligence Agency and the Secretary of

State both report to the President of the United States?

Mr. McCARTHY. Yes.

Mr. SYMINGTON. The distinguished Senator from Minnesota would not wish to saddle on any new incumbent to the position of Director of the Central Intelligence Agency any possible mistakes of the past, as outlined by the Senator from Illinois, would he?

Mr. McCARTHY. I do not think the remarks of the Senator from Illinois could be interpreted as putting any burden of guilt upon the newly named head of the Central Intelligence Agency, or even on the former head of the Central Intelligence Agency.

Mr. DOUGLAS. Madam President, will the Senator yield?

Mr. SYMINGTON. Madam President, may I pursue my inquiry further?

Mr. McCARTHY. If I may finish, the remarks of the Senator from Illinois were addressed to the question of certain procedural relationships, and were by way of illustration of a possible situation in which both the President and the State Department, as well as Congress, would have been called upon to face an action which neither had really approved.

Mr. SYMINGTON. Madam President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from Missouri.

Mr. SYMINGTON. If President Kennedy believes, as apparently both my distinguished friends from Minnesota, and my friend from Illinois believe, that some things have not gone well in Central Intelligence, there would be no criticism of the President for attempting to improve the management of the Central Intelligence Agency through change in the management, would there?

Mr. McCARTHY. No, on my part, I am sure there would be no such criticism, and I think in this case I could likewise speak freely for the Senator from Illinois [Mr. DOUGLAS].

Mr. SYMINGTON. I thank the Senator.

Mr. JACKSON. Madam President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. JACKSON. I wish to clarify one point. There seemed to be some implication that there is a lack of constitutional control over the head of the CIA. Did I correctly understand the Senator?

Did I understand correctly that the Senator meant to say that?

Mr. McCARTHY. I have been trying to say that for 2 weeks.

Mr. JACKSON. Wherein is there a lack of constitutional control? It may not be what it should be, but wherein is there a lack of constitutional control?

Mr. McCARTHY. I raised four or five areas in which I thought serious question could be raised as to whether there was constitutional justification or treaty justification or justification under any action taken by Congress or concurred in by Congress. I made reference to action in Iran against Mossadegh.

Mr. JACKSON. I do not wish to talk about individual instances. I do not believe we should, frankly, in public dis-

cuss some of these matters, whether they are true or false.

The Senator referred to the British system. I must say that under the British system only the Prime Minister knows who is the head of intelligence. They do not discuss these matters in the House of Commons. Insofar as we discuss this subject I believe we ought to follow the ancient rule of intelligence that silence is golden.

When we criticize specific intelligence operations in open session, we are ourselves guilty of a lack of understanding of the problem. Certainly these details should not be discussed on the floor of the Senate. Of course we can talk about constitutional control. As I say, there may be an opportunity to improve the operations of intelligence, but details with respect to intelligence should not be discussed on the floor of the Senate.

The head of Central Intelligence reports to the President. Congress does supervise the Agency. There is a question whether Congress has done the kind of job of exercising control at times that it should have done in that connection. Perhaps this control can be improved.

But the head of CIA is under the President, and responsible to him, and he does report to the National Security Council. Therefore, I do not understand the contention that there is no constitutional control.

Also, there is congressional control. Whether that control is what it should be is another question. However, I do wish to emphasize that we should be careful when we discuss in public any specific activities of CIA. Such discussion may be unwittingly giving aid and comfort to the enemy, in a sense.

Mr. DOUGLAS. Madam President, will the Senator yield?

Mr. JACKSON. In the sense, I mean, when we speak of specific examples of intelligence activities. These are things that can be used against us.

Mr. DOUGLAS. Madam President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. DOUGLAS. I merely called to mind a speech which Colonel Nasser made at Alexandria, and which was blazoned to the world. There was no secret about this. The statements in that speech have never, so far as I know, been denied in the slightest degree. They tended to reflect badly upon the diplomatic service. Upon investigation, however, the evidence became clear that it was not the diplomatic service which was at fault, but the local, regional representative of the CIA. Therefore, I was not betraying any secrets with respect to any matters which were not already known, but indicating where the responsibility lay.

Mr. JACKSON. I have the utmost confidence in the junior Senator from Minnesota. I merely say that if we get into any of these illustrations, like the situation in Egypt, we give authoritative affirmation or denial by someone in Government, and that is later used in certain places against our Government.

This is what we must be careful about. That is my only observation.

There is plenty of room for a proper discussion of the organizational structure of CIA. However, I believe we should be careful about dealing with particular activities.

This is my opinion. I have the utmost respect and confidence in the Senators who have raised this issue.

Mr. McCARTHY. I appreciate the admonition.

Mr. JACKSON. I do not know of anyone who has been more conscientious and sincere in trying to bring about proper control over the activities of the Central Intelligence Agency than the junior Senator from Minnesota. I know that the Senator from Illinois likewise is taking a keen interest not only in this matter but in all matters affecting national security. I wanted to make these observations for our own good. I know that my comments will be taken in that spirit.

Mr. SYMINGTON. Madam President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. SYMINGTON. I agree with the main precept of the distinguished Senator from Washington. I am a member of two of the three committees to which the Central Intelligence Agency reports in the Senate, and have heard something of this story with different interpretations. I do not know which is true. I do submit for the Senator's consideration the fact that whether or not it is true the Central Intelligence Agency, because of its character and type as indicated by the Senator from Washington, will not have a chance to give its side of the story from the standpoint of what happened in 1953, I believe it was—

Mr. DOUGLAS. Nineteen hundred and fifty-six.

Mr. SYMINGTON. I was in Cairo the latter part of October or first part of November of this year. I thought that the Agency's operation, from what I heard, was satisfactory at that time. In any case, Mr. Dulles, the former head of CIA—and this is true of any other member of CIA—will not have a chance to affirm or deny whether statements made this afternoon on the floor of the Senate are correct or not correct.

Mr. JACKSON. Madam President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. JACKSON. The Senator from Missouri has raised a pertinent point. In order to have an authoritative denial or statement from the Agency, the Agency would have to enter public discussion, which would itself be an improper operation of the Agency. That is my point.

The Senator very properly raises some questions which are obviously of proper concern of Congress. His interest in making sure that there is appropriate constitutional control, and more effective and adequate control, and reporting by the appropriate committees of Congress, is a very worthy subject for Congress to consider, and I commend him for what he has done in this connection, not only for what he has done today, but what he has been doing for several years now.

Mr. McCARTHY. I thank the Senator from Washington and the Senator from Missouri for their observations and comments, and for the questions they have raised. For myself, I would say I have not been particularly critical of the Central Intelligence Agency for its operation in the way of its intelligence gathering. I think that perhaps they have been unjustly criticized by some Members of Congress and perhaps in the public judgment that has been pronounced upon them. I do believe, however, there is involved here a fundamental juridical question. The Constitution establishes the responsibility of Congress with respect to the determination of foreign policy, at least major foreign policy, and with respect to that determination there was a time that we in Congress could do this by ratifying treaties. We no longer can operate effectively by the treaty route. We still have the responsibility with regard to the declaration of war, but we no longer declare war. We fight police actions and we carry on what are called cold wars.

Does this mean that because of a changed mode of political conflict Congress has lost any responsibility under the Constitution? Is that the situation, Madam President, or does it, rather, require that we give some thought to procedures? After all, we have a representative democracy, and in major decisions, whether domestic or international, some concurrence and some participation on the part of Congress has clearly been involved from the very beginning.

It was in connection with these points that I cited the practice in the British parliamentary system. I do not mean to say that every Member of Parliament was consulted. In the British system the Members of Parliament picked a cabinet on intelligence.

It may be said that this involves a very complex procedure. However, I do not believe it is so complex that we could not work out some procedures through which we could be satisfied that Congress had been consulted, or at least men picked by Congress had been consulted, and through them Congress had participated in some degree in these basic decisions. Even if we picked only men who had presented themselves for the Presidency, we could make up a full committee out of the Senate alone. The same kind of committee probably could be made up even of vice presidential candidates. We would have more on the committee than we needed, if we limited the committee to the usual choice of those who felt that they themselves could be entrusted with these important decisions.

Mr. SALTONSTALL. Madam President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. SALTONSTALL. As one who has been a member of two of the committees which have had to do with the Central Intelligence Agency for the last half dozen years, at least, I have felt that no information that we asked for was concealed from us. Whenever a suggestion

was made as to whether there was anything more we should be told, or any information which we might need, we always received it. As one member of the committee, I have felt that we should give our very best possible advice and judgment to the Central Intelligence Agency if we felt it was not being properly administered or that the procedures were not being properly carried out.

This subject was argued several years ago, when Senator Barkley was a Member of the Senate and took a very active part in the discussion. I think that if the question comes up at the present time, as it has been raised by the distinguished junior Senator from Minnesota, we can discuss the question of procedure again, and we should. Certainly, as a member of the Committee on Armed Services and as a member of the Committee on Appropriations, I would welcome the appearance of the Senator from Minnesota before those committees in executive session to give us the detailed suggestions that he might have.

As the Senator from Washington [Mr. JACKSON] and the Senator from Missouri [Mr. SYMINGTON] have said today, the question, as I see it, is whether the gentleman who has been named for this position is qualified to hold it. That is the primary question before the Senate today. When a new man takes office, we can then consider the question of improving the management of the agency. I think the record will show that we discussed that question when the Senator from Minnesota was before the Committee on Armed Services.

Certainly we ought to make every effort possible to improve the Central Intelligence Agency in these very difficult times. However, I think the primary objective today is to determine whether the man who has been nominated is qualified, and to decide the question affirmatively or negatively. Then we can take up the question of procedure and determine whether the agency is fulfilling its duties. These questions can be considered by the committee in executive session, so that the intelligence can and will be kept on a level which will not result in the giving away of information, either through procedural discussions or in other discussions.

I appreciate what the Senator from Minnesota is seeking to do and wishes to do. As one Senator from the other side of the aisle, I certainly would be very glad to be helpful in trying to solve this problem, because I have heard the subject discussed for the last 6 or 8 years, at least, if not more.

Mr. McCARTHY. I thank the Senator from Massachusetts. The question of whether the nomination should be approved by the Senate depends, in my judgment at least, to a large extent on the nature of the role the nominee will fill. It depends on the nature of the authority he will exercise over the activities of the agency. For this reason, I think it is not exposure, exactly, because most of the procedures are quite well known; but at least a review of the way in which the Central Intelligence Agency is directed or is not directed. It is a question of whether or not there is a



kind of failure under the Constitution—as I think there is—in that Congress is not fully enough involved in preliminary decisions of major consequence, such as going into Iran or Cuba, or some of the other areas in which the CIA is supposed to have been very active. These facts, these questions, have a bearing upon whether or not the nomination should be confirmed. If the Director's role is very limited and is carefully supervised, then we should not impose the same standards of judgment upon him. However, if he is to be given a great deal of supervisory authority, then I think the qualifications of character, and such things as that, takes on additional importance. It is for that reason I had hoped to establish a kind of general pattern upon which the membership of the Senate might make a solid judgment with regard to the nominee.

Mr. SYMINGTON. Madam President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. SYMINGTON. Would not the distinguished Senator from Minnesota agree that the amount of authority and responsibility which the Director of the Central Intelligence Agency ought to have, and would have, would be the decision of the President of the United States?

Mr. McCARTHY. It would depend in large measure upon the President of the United States; yes.

Mr. SYMINGTON. The Senator has mentioned character. Would he not agree that the question of character, as well as the question of ability, would both be one, which the President of the United States would want to consider very thoroughly before he submitted a nomination of this importance to the Senate for approval.

Mr. McCARTHY. I am sure that is so; and I am certain the President has made a careful examination, according to his lights, of the qualifications of the nominee. At the same time, there is a clear obligation imposed on the Senate to pass an independent judgment. The Constitution provides that this shall be done. So I do not think we can feel that we are in any way offending the President or the office of the Presidency in taking a thorough, careful look at any nomination which the President sends to the Senate for confirmation.

Mr. SYMINGTON. Is it not true that nominations of Mr. McCone have been before this body twice in the past, once under a Republican President, and once under a Democratic President; that the nominee was examined carefully with respect to his holdings, his character, and his ability; and that both times his nomination was confirmed unanimously by the Senate for public office?

Mr. McCARTHY. So far as I know, that is true.

Mr. SYMINGTON. I thank the Senator.

Mr. McCARTHY. But we are now being asked to confirm his nomination to another office, one which the chairman of the Committee on Armed Services has described as second in importance to the presidency. If that is the case—and I think it is very close to being the case—again we need to make a more

careful examination of the nominee than we would if he were being appointed to some other position. We might have a man who is a fine drummer, but that would not qualify him to play first violin. I think there is a little of this kind of sensitivity or complexity involved in the performance of the directorship of the Central Intelligence Agency.

The question of supervision and direction, and of the effectiveness of them, on the part of the executive branch of the Government has been raised by a number of special committees and a number of special inquiries.

Harry Ransom, in the article to which I referred earlier, said:

In its 6 years of existence, the President's Board of Consultants on Foreign Intelligence Activities, recently renamed the Foreign Intelligence Advisory Board, has functioned more as a polite alumni visiting committee than as a vigorous watchdog. With one professional staff assistant and a single secretary, the board has been able only sporadically to oversee the 15,000-man CIA. Congressional surveillance has been much the same.

Theoretically, the President—with occasional help from consultants—controls this powerful, huge, and expensive Central Intelligence Agency. But the President is the nominal head of hundreds of agencies; he cannot be kept fully informed at all times of the activities of the CIA. Consequently, very great powers are vested in the Director of Central Intelligence. How these powers have been used and how they are likely to be used are most important questions. Has the CIA in the past carried out actions without constitutional justification, without the authority of statute or of resolution or of treaty commitments? Whether these activities or operations turned out well or badly, whether in the long run or in the short run they advanced or improved the position of the United States is secondary to the basic question of legality or constitutionality of procedure.

We in the Senate need to be concerned about the propriety of the procedure. The Central Intelligence Agency was credited with having helped oust Mossadegh from the premiership of Iran in 1953. History has not yet demonstrated that that was the wisest policy, and probably never will.

Mr. SYMINGTON. Madam President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. SYMINGTON. I thank the able Senator from Minnesota.

As chairman of the Subcommittee on the Middle East and Southeast Asia, I spent considerable time in Iran last fall. I agree with the Senator from Washington [Mr. JACKSON]—and believe this was mentioned when the Senator from Minnesota was before the committee—namely, that it would have been a mistake if Mossadegh had continued in that position.

I have been following the reports, including classified reports with respect to Iran; and developments there with respect to the new Prime Minister. I

cannot see how this discussion can be of service to the United States.

I also mentioned, when the Senator was before the committee, that I doubted the CIA took credit for the overthrow of Dr. Arbenz as President of Guatemala, because our Ambassador to Guatemala at that time told me personally he felt he had had the most to do with it.

Mr. McCARTHY. I do not question really whether the CIA did it or whether the ambassador did it. The question of the justification for the action in terms of some juridical basis remains open to question, in either case. I am not saying that the CIA in either of these cases was operating independently or without approval by the State Department. But this basic question would run to it, regardless of whether the action was carried out or participated in by the CIA or without its participation. The fundamental juridical question of control would exist even though the Central Intelligence Agency was not involved in those activities, in which there was some involvement on the part of our Government itself.

Similar questions have been raised with regard to Vietnam, and also of course more recently in regard to our support of the invasion of Cuba, last year. The basic question of the justification remains—regardless of whether we have success or whether we have failure—in regard to some of these operations and some of these activities.

Madam President, I think the Constitution quite clearly provides that Congress shall have a part in declaring war. However, as I have already said, in the modern world, war is seldom declared, instead, there are defensive actions and police actions. Nevertheless, the Constitution still provides, in my opinion, that the Congress has a definite responsibility in connection with such actions or actions to continue or to overthrow the governments of other nations.

Congress has acted to give the President authority through the United Nations. It has granted him wide authority under the NATO treaty, and somewhat less clearly under the SEATO treaty. The Congress approved the Middle East resolution in anticipation of the Lebanon action.

I believe there is a constitutional need for consultation with Congress by the President or by his agents and, beyond that, for some expression of concurrence or some manifestation of concurrence by Congress or by men chosen by the Congress to speak for it, somewhat more clearly and more positively than is provided for under existing law or under existing practice. A joint committee may not be the best means. Perhaps some other device could be developed. Perhaps we could fix greater responsibility on the Armed Services Committee, and could say to it, "You are to speak for us and to represent us, and we expect that you will be consulted and that there will be conferences and consultations with you." Or we could say that this shall be taken care of by the Foreign Relations Committee and the Foreign Affairs Committee, which have been chosen by Congress, and we could specify such respon-

sibility for them, and could give formal approval to their participation and concurrence. But that has not been done.

Mr. GRUENING. Madam President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. GRUENING. Has it occurred to the Senator that possibly the nomination should be referred to the Foreign Relations Committee? As Mr. McCone has testified, his task as he sees it is merely to receive reports from all over the world and to evaluate them. In that case—if he is prophesying correctly—then his task ceases to be a cloak-and-dagger operation as it has in part been, and becomes merely a source of information and guide to our foreign policy-makers. Therefore, would not it be more appropriate for the Foreign Relations Committee, rather than the Armed Services Committee, to pass on this nomination?

Mr. McCARTHY. I think one could make a strong case for that.

The activities of the Central Intelligence Agency are more in the realm of areas in which the Foreign Relations Committee exercises jurisdiction. Of course it is true that the CIA was established by legislation which was handled by the Armed Services Committee, and that in fact the Central Intelligence Agency more or less continues intelligence activities which were developed in various branches of the armed services, for the most part during the war. So there is that legislative background and there is that tradition. Therefore, I suppose one could argue either way—that there is this tradition and there is this precedent which would justify referring the nomination to the Armed Services Committee, and that there are also the activities of the CIA, in its operational aspects, which I think relate to matters which are carried on more in the field of foreign policy, rather than in the field of military operations. So the question is a mixed one.

Mr. JACKSON. Madam President, will the Senator from Minnesota yield again to me?

Mr. McCARTHY. I yield.

Mr. JACKSON. I wish to add to what the Senator from Minnesota said in response to the question asked by the Senator from Alaska, namely, that the other intelligence undertakings by the Army, the Navy, the Air Force, and the Department of Defense, make up the intelligence community, and the Director of the Central Intelligence Agency is chairman of the Intelligence Board and is the coordinator of all of these. So there is a heavy military overtone which by tradition and custom has always been a part of the responsibility of the Armed Services Committee, and, prior to its creation, part of the responsibility of the Military Affairs Committee.

Mr. SALTONSTALL. Mr. President, will the Senator from Minnesota yield?

The PRESIDING OFFICER (Mr. LONG of Missouri in the chair). Does the Senator from Minnesota yield to the Senator from Massachusetts?

Mr. McCARTHY. I yield.

Mr. SALTONSTALL. I should like to say to the Senator from Alaska [Mr.

GRUENING] if I may, that the CIA was set up as a follow-on of the OSS, which conducted our intelligence activities during the war.

As the Senator from Washington [Mr. JACKSON] has stated, the CIA is a civilian agency which collaborates and cooperates with the three military services, and—in addition to what the Senator from Washington has said—with the State Department, in working out the intelligence information from various countries and giving it to the Chief Executive of our country—the President of the United States.

I was present and helped to draft the present CIA Act; and that was done, as I have said, to set up this agency to collaborate with the intelligence agencies, particularly of the military, in time of peace, because we felt that at that time the OSS—which I think was never established by law, but was established by Executive order—had ceased to function, because the fighting part of the war was over. I think I am correct in that statement. I know we drafted the CIA act with a great deal of care and with the intention of there being cooperation with the agencies which are strictly military agencies.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from Alaska.

Mr. GRUENING. In commenting on the remarks of the Senator from Massachusetts, it should be noted, as the Senator from Massachusetts has pointed out, that the CIA is the successor of the OSS, which operated in time of war, and was, therefore, a cloak-and-dagger type of agency. Now, while it is true that there is now a state of undeclared war, a cold war of sorts, it seems to me that we certainly should look into the question of whether the Foreign Relations Committee should not have as much jurisdiction over CIA as has the Armed Services Committee.

Let us assume that that had been the case, so that during the last year the CIA had been reporting, to the extent it does report at all, to the Foreign Relations Committee instead of to the Armed Services Committee. I see present on the floor the distinguished chairman of the Foreign Relations Committee [Mr. FULBRIGHT], who had the wisdom to oppose the attempt to invade Cuba. Possibly, if the CIA had consulted him and had obtained his views, we might not have participated in that tragic error.

As I stated before, it seems to me, in view of the fact that Mr. McCone has declared that his function, as he sees it, will be merely that of collecting information all over the world and evaluating it, which is distinctly a matter of foreign relations more than it is anything else, certainly the Foreign Relations Committee should have as much jurisdiction over CIA's activity rather than Armed Services, notwithstanding that the jurisdiction was originally placed in the Armed Services Committee. Or perhaps even better there should be joint jurisdiction of both those committees.

I hope that before the consideration of this question is concluded, Congress will

have the wisdom to create an oversight committee, by which the Foreign Relations and Armed Services Committees may monitor and control this now completely uncontrolled agency which is now responsible to no committee of Congress and is unique in that respect, wielding a responsibility and power which is absolutely unrivaled in our democracy, a power which is vested in a man who as head of CIA, according to the chairman of the Armed Services Committee, the distinguished Senator from Georgia [Mr. RUSSELL], is second only in importance to the President in the power he wields.

To allow such power to go unrestricted and without any reference to the committees of Congress which have supervision over foreign relations, when, in effect, CIA will be reporting on foreign affairs in many countries all over the world, both inside and outside the Iron Curtain, seems to me to be wrong.

I hope, before we conclude, some action will be taken by Congress so that it may have some supervision over the agency, with whatever restrictions are necessary to protect the national security.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. SALTONSTALL. I may most respectfully say to the Senator from Alaska that today the CIA is responsible to the Committee on Armed Services and it is responsible to the Committee on Appropriations. Certainly the past Director of that Agency reported at least two or three times each year to those various committees. Therefore, those committees, or certain members of their subcommittees, have entire knowledge of the activities of the Agency, the extent of the organization, and the cost of the organization.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. BARTLETT. Am I correct in my assumption that the Senator from Minnesota, notwithstanding that which has been said most recently by the Senator from Massachusetts, believes that there ought to be closer supervision by the Congress over the activities of the CIA?

Mr. McCARTHY. Yes, that is the opinion of the Senator from Minnesota.

If I may respond to the Senator from Massachusetts, I think the basic legislation which was enacted and which was developed in the Armed Services Committee was sound legislation in terms of the concept of the Central Intelligence Agency at the time that law was drafted. One of the points I raised is that the Central Intelligence Agency, in its operations at least, is carrying on activities which are far beyond what was contemplated in that legislation when it was drawn. It is not a question, really, of only CIA, but a question of whether or not CIA performs functions which are, in a sense, uncovenanted. That question runs to the functions of the State Department. The CIA seems to be the principal agent in these more or less unjustified, at least juridically unsustained, actions. So at a time when we are considering confirmation of the employment of the head of the Central Intelligence

Agency, I think we should consider this question.

Mr. BARTLETT. Acknowledging that there might, and probably would, be 99 other opinions as to what ought to be done, is it the Senator's conclusion that this closer supervision might best be obtained by the establishment of a joint committee?

Mr. McCARTHY. I said earlier in my remarks—

Mr. BARTLETT. I am sorry I was not here at the time.

Mr. McCARTHY. I shall be glad to repeat the statement, with some additional remarks. I am not satisfied that a joint committee is best to accomplish the purpose I have referred to. First, however, I do not know of any better method that has been proposed. Second, we have had rather good experience with the Joint Committee on Atomic Energy. I am sure the Senator will recall that, when that committee was established, charges were made that Members of Congress could not be trusted with this kind of information, that there would be leaks, and that Congress could not exercise continuing supervision over activities as involved and as technical as those in the atomic energy field. Yet I think the record bears out the statement this Joint Committee has worked out reasonably well. I think it would perhaps not be out of turn to say that it could be tested in other areas and other jurisdictions.

Mr. BARTLETT. If the Senator will permit me one further observation, and perhaps a question, the Senator has mentioned that there has been an implication that the whole Congress cannot be trusted with secrets relating to the CIA and the Atomic Energy Commission. I wonder how far down, in the Senator's opinion, this information could be safely disseminated. We live in a strange world. In days gone by, I suppose every Member of Congress could ascertain everything about every Government agency. Whether it should be done or not, it is not being done now.

I wonder if the Senator has any idea as to where the cutoff point might properly come.

Mr. McCARTHY. As the Senator knows, we are held responsible for everything done within the Government, even though oftentimes we do not have much authority over what is done. It is considered ill-advised to admit that we do not have as much responsibility as we seem to have. But it is my opinion that we could to some extent bridge the gap between responsibility and real power or effective access of power related to our responsibilities if we, the Congress, could determine that these particular persons could be trusted, in the same way as in England members of Parliament pick members for the cabinet out of their own parliamentary body, and those persons direct intelligence activities.

Mr. BARTLETT. As it is now, those secrets would be reposed in those belonging to a certain committee or committees and from the vantage point of seniority. Is that a correct evaluation of how it is?

Mr. McCARTHY. I would not say necessarily that it should be by seniority.

Mr. BARTLETT. No. I say that is the way it is done now.

Mr. McCARTHY. Seniority has some bearing on it; I really do not know about that. However, evidently the determination of who should be given this information is not a determination made by Congress except in rather vague language of the act which established the CIA, but it is primarily a kind of selective determination by the executive branch of the Government itself.

Mr. BARTLETT. In summation, then, I might remove myself from this colloquy by stating that the Senator entertains the belief that if some Members of Congress can be trusted with the awesome secrets relating to atomic energy so might other Members of Congress, constituting a joint committee, be entrusted with the secrets having to do with the CIA.

Mr. McCARTHY. I think the Congress is deserving of a test in several other areas.

Mr. BARTLETT. We should give the Congress a try?

Mr. McCARTHY. Yes. I do not like to repeat my good lines, but I suggested earlier if we had doubts we could limit the appointees to this committee and select them only from men named as possible presidential candidates.

Mr. BARTLETT. That is a line worth repeating.

Mr. McCARTHY. I thank the Senator from Alaska. He generally appreciates my good lines. I thought I might risk stating that once again.

Mr. GRUENING. Mr. President, will the Senator yield to me so that I may ask the senior Senator from Massachusetts a question?

Mr. McCARTHY. I yield.

Mr. GRUENING. My good friend, the senior Senator from Massachusetts, the ranking minority member of the Committee on Armed Services, said a few minutes ago that the Committee on Armed Services more or less supervised the CIA, and that the CIA reported to the committee. What is the extent of the report? Do the committee members go into any details, or are they merely given a brief summary of expenses, the number of people employed, and so on?

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. SALTONSTALL. I say on the floor of the Senate that we spend several hours and go into many details of operations, of expenses, of administration, and so on. I would not wish to say more on the floor of the Senate.

I say as one member of the committee—I speak only for myself, but I think I can speak for the others also—we have never been refused any information of any character for which we have asked.

Mr. McCARTHY. If I may have the attention of the Senator from Massachusetts, I should like to ask a question.

The Senator would not say, however, would he, that the committee exercises a kind of continuing supervision in any way comparable, let us say, to what the

Joint Committee on Atomic Energy exercises in its field of jurisdiction?

Mr. SALTONSTALL. I would say that we could do more than we have done if we felt it were necessary to do it. There has never been any limit of supervision, so to speak, placed upon our efforts by the past Director of the CIA, and I am sure none would be placed on us by the future Director of the CIA. I have never heard of any limitation that was put upon us.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from Alaska.

Mr. GRUENING. Does the Senator from Massachusetts realize that in certain countries the CIA operates with complete independence of the Chief of Mission, and that our diplomatic representatives are not even informed of what the CIA agents are doing in the country?

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. SALTONSTALL. I would deny that. I would deny that, but I would prefer not to say anything more on the floor of the Senate. I should be glad to discuss it with the Senator from Alaska in conversation, as to what I do know.

Mr. GRUENING. Well, I have been so informed by a responsible member of the diplomatic service in a country where this particular situation exists.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from Arkansas, the chairman of the Committee on Foreign Relations.

Mr. FULBRIGHT. I have not studied this as much as has the distinguished Senator from Minnesota. Does the existing law specifically require the CIA to report to the Committee on Armed Services?

Mr. McCARTHY. I think it does. At least, it is implied that they should be in some way responsible. At least, the practice has been for the CIA to report to the Armed Services Committee.

Mr. FULBRIGHT. I did not ask the Senator for the practice.

Mr. McCARTHY. We shall have to ask the Senator from Massachusetts.

Mr. FULBRIGHT. I am asking for information as to what the law itself does require by way of reporting to any committee. I am not informed as to that.

Mr. McCARTHY. We should have to ask the Senator from Massachusetts, who is a member of the committee and helped to draft the law. My opinion is that the CIA really is required to report only to the President. We can check the statute.

Mr. FULBRIGHT. I ask the Senator whether he is going to discuss, a little later, the particular experience of the present nominee for this particular position, or whether that will be the subject of his talk?

Mr. McCARTHY. Yes. I intend to make some comments with respect to his qualifications and preparation for the position.

The man selected to head the CIA should, I believe, understand and appreciate the great powers which are given to him and be aware that, at least in the past, either on its own decision or with executive approval, the CIA has carried on activities which were of questionable constitutionality or legal justification. In my opinion he should be prepared to discuss these things in the proper surroundings.

He should realize, too, that in the future he may be called upon or challenged or tempted to conduct similar operations. The director of the CIA should be sensitive to the danger of such proceedings.

A man selected to be the head of the CIA should, if possible, be experienced in intelligence work. He should be a good administrator. He should have an adequate understanding and awareness of the problems of foreign policy, of the difficulties and complexities. He should be concerned—if we could have an ideal man—as to the ethics of the methods and means by which he, his agents, and operators seek their goals, either in the gathering of information or in carrying on what have come to be called "operations."

I shall not attempt a judgment or recommendation with regard to the question of experience in intelligence of the nominee, as there are no clear standards which can be applied.

The nominee has the reputation of being a good administrator. I am not prepared to challenge that. Nearly everyone whose nomination is sent to us has a reputation of being a good administrator.

The question of knowledge of foreign policy is one which can be passed upon only in very general terms and by very subjective standards. I would feel more confident in passing on this appointment if there were a more extensive record of the views of the nominee. He is, according to one columnist, hard boiled; according to the Economist, a man of temper; according to Newsweek, a tough man; according to the Wall Street Journal, hard driving.

These are not undesirable qualities in the head of the CIA. They are not the only good qualities possessed by the nominee, but they are the qualities which have been especially stressed in newspaper comment. Taken by themselves, they are not enough to qualify a person for this difficult and sensitive office.

The Director of the CIA should be more interested in finding evidence and passing objective judgment on it than in attempting to polarize opinions or to support a set position.

Mr. President, I quote again from the Henry Howe Ransom article:

Secret intelligence must never be more or less than an instrument of national policy. Its control should remain primarily a responsibility of the Presidency, but Congress also must assume a more carefully defined and active surveillance role. And the Department of State, particularly, must be aggressive in weighing gain from success, against cost of failure, in every proposed major secret operation.

A second major criticism is that the CIA places under one roof the separate functions

of intelligence collection, its analysis and underground foreign political action.

Those who would organize and carry out a proposed secret operation should be separated in the decisional process from those who supply and interpret information to justify the plan. \* \* \*

Planners and operational commanders notoriously come to view the plan as an end in itself. They gradually develop a state of mind that is receptive only to intelligence data that justify the plan's practicability. A distorted view of reality often results. \* \* \*

No greater challenge confronts American society than responding to the question of how the United States can engage successfully in protracted cold warfare without sacrificing the principles defended.

As an open democratic society, the United States has to recognize its handicaps in some form of competition with the closed societies of totalitarian regimes. It would be unwise to attempt to match the proficiency of Communist regimes in subversion as the avenue to the attainment of national objectives. There is no point in America's fighting totalitarianism by imitating it.

That point brings me to the serious problem which faces the Senate, not only in this case, but in many other cases.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. SYMINGTON. The able Senator from Minnesota has read at length from an article, as I understand it, written by Mr. Harry Ransom, and published the 21st of May 1961. I have asked the chairman of the Committee on Foreign Relations, the Senator from Arkansas [Mr. FULBRIGHT], if he knows who Mr. Ransom is, and he says he does not. I have asked the ranking member of the committee on the other side of the aisle, who is on two of the three committees involved with the Central Intelligence Agency, if he knows who Mr. Ransom is, and he, too, says he does not. I confess to my able friend from Minnesota that I do not know who Mr. Ransom is either, and inasmuch as he is being quoted at such great length as an authority in this field, I would ask two questions.

First, who is Mr. Ransom?

Second, has Mr. Ransom had any extended or practical experience in the field of intelligence? I do not ask these questions to be in any way critical of Mr. Ransom. I merely ask them for the information of the Senate.

Mr. McCARTHY. I am not quoting Mr. Ransom particularly because he is an authority but rather because I thought what he had to say was to the point and had bearing upon the discussion. I think he is currently on the staff of Vanderbilt University. He has written what I believe is perhaps the most thorough book inquiring into the whole question of the organization and the operation of the Central Intelligence Agency.

But I would not ask any Senator to accept what Mr. Ransom has said because he said it, or even because perhaps my quoting him would be any kind of endorsement of him, but rather only upon the basis of whether or not his statements, the questions which he raises, and the proposals which he makes, are

pertinent to the problem which the Senate is considering today.

Mr. SYMINGTON. Mr. President, will the Senator yield further?

Mr. McCARTHY. I yield.

Mr. SYMINGTON. Has Mr. Ransom ever had any experience in any of the intelligence apparatus of the United States?

Mr. McCARTHY. So far as I know, he has not, but I may be mistaken. He may have had some intelligence experience.

Mr. SYMINGTON. I thank the Senator.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. FULBRIGHT. As I understand, the point the Senator from Minnesota is making relates to a division within the so-called intelligence community between the gathering of the information and its analysis and operation.

Mr. McCARTHY. The Senator is correct.

Mr. FULBRIGHT. That subject has been widely discussed in the press by many writers. I do not happen to know Mr. Ransom personally.

I wish to ask the Senator a question on another subject.

Does the Senator from Minnesota know whether or not, it is true, for example, in a country such as Great Britain, that the two functions I have stated are separated?

Mr. McCARTHY. So far as I am familiar with the operation there, they are separated.

Mr. FULBRIGHT. That has been the traditional method.

Mr. McCARTHY. Yes; in Great Britain.

Mr. FULBRIGHT. As I mentioned a moment ago, the Senator is really discussing the operation of the CIA itself, and whether or not it is properly constituted, a question in which I am very interested. Will the Senator discuss the particular experience and qualifications of the appointment being considered by the Senate? As I understand, the question before the Senate is not whether the CIA is properly constituted, but whether the appointee is qualified to head the Agency. Is that not correct?

Mr. McCARTHY. The Senator is quite correct. As I indicated, the role which the CIA now plays has a bearing upon whether or not the nominee is qualified to carry out this kind of complicated and difficult directorship.

Mr. FULBRIGHT. I made that statement because at one time I was a co-sponsor of a measure and very sympathetic—and still am—to the idea of a joint committee or some other committee which legally would have responsibility for the supervision of the CIA. However, I am fearful that this body will not have an opportunity to pass upon that question.

Mr. McCARTHY. I agree with the Senator.

Mr. FULBRIGHT. So the only question is on the qualifications of the appointee for the job.



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Mr. McCARTHY. To exercise supervision over the Central Intelligence Agency.

Mr. FULBRIGHT. I was very curious about the Senator's views on that subject.

Mr. McCARTHY. The Senator is correct. The question is whether or not we think the appointee is qualified to direct the CIA as it is now constituted, as it now operates, and as it is likely to operate in the immediate future. I say that it would be impossible to find a man who had all the necessary qualifications. I should like to cite two or three considerations which I think Senators who are called upon to act upon the nomination need to consider.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. SYMINGTON. I share the view, and perhaps the apprehension, of the Senator from Arkansas [Mr. FULBRIGHT]. It is quite possible that the appointee of the President—in fact, the President himself—is not entirely satisfied with the past operation of the Central Intelligence Agency. If what I have said is true, I am sure that the able Senator from Minnesota does not wish to hang around the neck of Mr. McCone, whose appointment is the question before the Senate for discussion, any of the past possible sins or transgressions of the Central Intelligence Agency, I am sure he would be the first to agree that Mr. McCone has had no connection with them whatever.

Mr. McCARTHY. The Senator from Missouri has stated my position on that question correctly.

Mr. SYMINGTON. I thank the Senator.

Mr. McCARTHY. To return to the point I was making, relating to the attempt to establish some general standards, I said that the man selected to head the Central Intelligence Agency should be aware of the great powers which are given to him. Since he may be called upon—and will certainly be called upon—to operate in an area in which the question of constitutionality and the question of right or wrong will sometimes be very difficult to determine, he should, if possible, be experienced in intelligence work. As I said, he should be a good administrator. He should be concerned with the methods and means by which he, his agents, and operators are seeking their goals in gathering information and in carrying out what has some to be called operations.

It is against those four or five general standards that we must make our decision with regard to the nominee. As I have indicated, I would not attempt to pass judgment with regard to the question of his experience in intelligence. In testimony before the committee it was indicated that Mr. McCone had little or no experience in that field. As I have said, there really are no clear standards to be applied by which he might be judged. We cannot say, "Here is a man who has been highly successful," as could have been said about Allen Dulles. In my judgment he should be a man who has taken a stand or at least who has

views on some of the broad and complicated policy questions that have been known.

For my part, I would feel much more confident in passing on the appointment if there were a more extensive record of his views on these complicated questions. He has spoken very little, so on that point I could not make any recommendation. I would have to say that this factor is unknown.

So far as concerns the question of the constitutionality of some of the actions, either participated in by CIA, attributed to CIA, or perhaps only carried on by the State Department, I raised this question before the committee. I suggested that they might wish to ask certain questions of the nominee, and the questions were asked. I quote from a letter which Mr. McCone himself sent to the chairman of the committee in answer to a number of questions which I had raised and which in turn had been asked of him by the committee:

Senator McCARTHY's third question asks for my views as to the authority for some of the actions attributed to the Central Intelligence Agency in the field of foreign affairs within recent years. Many events have been attributed to the Central Intelligence Agency over the years, and it would be impossible for me to have the facts on these matters, but I certainly do not accept that because they are attributed to the Central Intelligence Agency the Agency is responsible for them.

This charge was not made. This was not in the question I had suggested to the committee.

Mr. McCone continues:

The Senator's question appears to go to the basic juridical or constitutional authorities of the executive branch, and this involves profound legal questions which, since I am not a lawyer, I do not feel competent to debate. It is my understanding, however, that the President has wide powers in the field of foreign relations and within the framework of the Constitution is empowered to do what he deems to be necessary to protect and promote the national interest. At the present time, in my opinion, the national interest is best served by taking steps to deter the encroachment of communism.

Does this mean that he would justify any step or any action, constitutional or extra-constitutional or unconstitutional in deterring communism?

I would not say that this is his position, but it is the statement that he made in answer to the letter:

At the present time, in my opinion, the national interest is best served by taking steps to deter the encroachment of communism.

This is a fine, general statement of policy, but what is needed is some refinement and somewhat more specific statement with relation to the involvement of the Central Intelligence Agency, as has been charged in the press and in other places:

As provided by law the Central Intelligence Agency operates under the direction of the National Security Council which is advisory to the President and of which he is Chairman and, therefore, it is but one of the arms in the complex of establishments which are involved in the President's conduct of foreign policy.

He went on to say that he intended to carry out to the best of his abilities all the duties assigned to him.

No full or pertinent answer, it seems to me, was made to the question of constitutionality. It may be that we should not expect the head of CIA to give such an answer, and perhaps it is an unreasonable demand or an unreasonable suggestion. However, it seems to me that he should have given some thought to it, or that when he is being considered for appointment we might properly ask of him this question as to what his opinion is with respect to the juridical basis for some of these actions. In this case his answer does not cover what I hoped he would cover in answer to this question.

My fourth question was:

What is the nominee's judgment as to methods which can be justifiably used by the Central Intelligence Agency?

Mr. McCone replied:

The very nature of the question is such that I believe I cannot respond to it, particularly in the light of the responsibility imposed upon me by law to assure the protection of intelligence sources and methods from unauthorized disclosure.

I can see that there would be need for secrecy. I did not have in mind that he should express an opinion on a specific situation. I had hoped that there might be some discussion of a theoretical situation, as to what methods he thought might be justifiable. We could raise a theoretical question with reference to stirring up a revolution behind the Iron Curtain when it had no opportunity of succeeding, even though the suppression of the revolution by the Russians would give us propaganda value in some other part of the world.

This is a rather gray area, I know, and one in which I did not expect him to answer specifically or give a specific moral judgment or make a fine ethical distinction. However, this is an area in which a decision must be made, without attempting to apply a theoretical situation to a particular case. It may be that Mr. McCone would be willing to carry on such a discussion in private, but judging from what he said I cannot be sure of that.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. SYMINGTON. As I understand the question asked of the appointee by the able Senator from Minnesota, it was as to what were his views as to the authority for some of the actions attributed to the Central Intelligence Agency in the field of foreign affairs within recent years. If I were asked the question, I would not know how to answer it.

The Central Intelligence Agency has been identified, as almost entirely responsible for the Cuban situation. Based on the record to which I listened carefully, and which, as the Senator knows, some members discussed on the floor, I can not agree.

This is a very delicate field. I approach it with caution, even in commenting that much.

The next question the Senator asked of the nominee was as to the methods

which can be justifiably used by the Central Intelligence Agency.

I do not see how the head of what is known to be a covert, as well as an overt agency, and which has been set up on that basis to protect the freedom of this country, could possibly answer that question.

As the Senator from Minnesota knows, I have great respect for his opinion. However, let me read that question again.

Mr. SALTONSTALL. Mr. President, what was that question?

Mr. SYMINGTON. It is question No. 4.

This would involve such matters as whether a member of a foreign service could be influenced in any way. I can think of many other matters, and so can you other Senators. I just do not understand how a man could answer that question?

He knows the nature of the oath he takes when he takes the office, as he has twice in the past. I ask the Senator from Minnesota to give consideration, if he were nominated for this position, to what his answer would have been to this question:

What is the nominee's judgment as to methods which can be justifiably used by the Central Intelligence Agency?

The Senator, realizing, of course, that this nominee would report to the President of the United States.

Mr. McCARTHY. Well, I did not expect the nominee to give an answer in terms of every specific and possible action that might be taken. However, some time ago Mr. C. D. Jackson made a speech in which he said, as I recall the quotation, that we should proceed as fanatics, with no holds barred and no questions asked.

If this had been the nominee's answer I would have had to say that here is a person who is insensitive to the question of methods. We must be very careful not to attempt to justify the use of any methods or any means because we feel our objective is good in the matter of communism or fascism. I would expect him to make a statement in which he would make a distinction between right and wrong, even in this difficult area in which the Agency must operate. I did not expect him to make a particular, fine judgment. However, it was not unreasonable to expect a man to indicate at least the framework of principle or pattern of principle within which he would attempt to make this hard and difficult judgment or recommendation.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. SYMINGTON. I believe Mr. C. D. Jackson, to whom the able Senator has referred, is the publisher of a well-known magazine, and has been out of the Government for years.

Mr. McCARTHY. Yes.

Mr. SYMINGTON. Has that anything to do with Mr. McCone?

Mr. McCARTHY. The Senator from Missouri asked me to give an example of the kind of answer that I would make in the circumstances. I said that this is the kind of answer, if it had been given

to us, would, in my opinion, have been completely unsatisfactory. The Senator asked me what kind of answer I might have given to that question. I cited all this as an example. I do not say it is Mr. McCone's approach. It is not my approach. I do not believe even that it is really the approach of Mr. C. D. Jackson.

Mr. SYMINGTON. The Senator did not read the last sentence in the fifth paragraph of the statement of Mr. McCone, incident to that question. Was there any reason for not doing so?

Mr. McCARTHY. I do not think so. I thought I had read it.

Mr. SYMINGTON. If I am incorrect, I apologize.

Mr. McCARTHY. I think I made reference to it. I may not have completed reading it.

Mr. SYMINGTON. May I read it?

Mr. McCARTHY. Yes. I do not think it is really pertinent. I have no question that Mr. McCone would not knowingly violate his oath of office. The statement really does not relate to my question, because I do not expect that he would even have had to say this in answer to me. However, I should like to have the statement complete in the RECORD. As a matter of fact, if I may have unanimous consent to do so, I should like to have the entire letter printed at this point in the RECORD.

Mr. SYMINGTON. I thank the Senator. I was about to make the same request.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CENTRAL INTELLIGENCE AGENCY,  
Washington, D.C., January 19, 1962.

HON. RICHARD B. RUSSELL,  
Chairman, Armed Services Committee,  
U.S. Senate, Washington, D.C.

DEAR SENATOR RUSSELL: I am happy to respond at the Armed Services Committee's request to the statement Senator EUGENE J. McCARTHY made on January 18, 1962, at the opening of the committee's hearings on my nomination to the position of Director of Central Intelligence. I shall respond directly to the specific questions posed by Senator McCARTHY at the end of his statement, but as other portions of the statement were considered during the hearings I shall also set forth my position in regard to them.

The first question asked if the Central Intelligence Agency is to be reorganized and if so in what respects. I have been and I am studying the organization of the Agency very intently. The present pattern of organization of the Agency is the result of years of study by competent people, both within the Government and outside consultants, and in my opinion it is not a bad pattern of organization. However, I believe that in all departments of the Government there is an evolution in management procedures and opportunity for improvement, so I think that some changes will be indicated in the Agency organization. I would propose to discuss any important changes with our congressional subcommittees.

During the hearings before your committee I read into the record a letter from the President concerning the scope of the responsibilities he has asked me to assume, and the President stated therein that he would expect me to delegate to a principal deputy as I may deem necessary so much of the direction of the detailed operation of the Agency as may be required to permit me to carry out the primary task of the Director of Central Intelligence. This, of course, I intend to do,

and while I will have overall responsibility for the Agency, I am studying what delegations of authority should be made to the Deputy Director of Central Intelligence.

Senator McCARTHY's second question asked what bearing such changes would have upon the duties of the head of the Central Intelligence Agency and upon the operation of the Agency. Any changes made in Agency organization will have no bearing on the duties of the Director of Central Intelligence, the scope of whose responsibilities is set forth in the Presidential letter mentioned above. The authority of the Director has been neither enhanced nor diluted, and I believe the purpose of the President's directive is to make clear that the Director of Central Intelligence is his principal intelligence officer to exercise the dual role set forth in the law, to be responsible for the direction of the Central Intelligence Agency itself, and to assure the coordination of the intelligence community as a whole. The one change that has been made is in connection with the coordination function. The Director of Central Intelligence is Chairman of the U.S. Intelligence Board, which is composed of the heads of all the intelligence components of the Government, and I have placed the Deputy Director of Central Intelligence on that Board to represent the views of the Central Intelligence Agency in connection with any matters considered by the Board. It appeared to me that if I served as Chairman and as such as the President's representative and the Deputy as the Agency's representative was the advocate of the Agency's viewpoints, I would be in a position to take a more objective point of view. This new arrangement was approved by the President in the letter referred to above.

Senator McCARTHY's third question asks for my views as to the authority for some of the actions attributed to the Central Intelligence Agency in the field of foreign affairs within recent years. Many events have been attributed to the Central Intelligence Agency over the years, and it would be impossible for me to have the facts on these matters, but I certainly do not accept that because they are attributed to the Central Intelligence Agency the Agency is responsible for them. The Senator's question appears to go to the basic juridical or constitutional authorities of the executive branch, and this involves profound legal questions which, since I am not a lawyer, I do not feel competent to debate.

It is my understanding, however, that the President has wide powers in the field of foreign relations and within the framework of the Constitution is empowered to do what he deems to be necessary to protect and promote the national interest. At the present time, in my opinion, the national interest is best served by taking steps to deter the encroachment of communism. As provided by law the Central Intelligence Agency operates under the direction of the National Security Council which is advisory to the President and of which he is Chairman and, therefore, it is but one of the arms in the complex of establishments which are involved in the President's conduct of foreign policy. I intend to carry out to the best of my ability all duties assigned, and I must assume that no such assignment would cause me to violate my oath of office to support and defend the Constitution.

Senator McCARTHY's fourth question concerns my judgment as to methods which can be justifiably used by the Central Intelligence Agency. The very nature of the question is such that I believe I cannot respond to it, particularly in the light of the responsibility imposed upon me by law to assure the protection of intelligence sources and methods from unauthorized disclosure.

Senator McCARTHY's fifth question was to the extent of my involvement, if any, in what had been described or reported as "leaks"

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from the Atomic Energy Commission with reference to the moratorium on nuclear testing. I know of no instance where I personally or any of the Commissioners were charged by anyone with leaking anything either on this subject or any other subject of a classified nature. There were leaks in this area, but there were none that were attributed to the Atomic Energy Commission.

Senator McCARTHY's sixth question inquired as to the facts with regard to the charge that I attempted to have scientists fired at the California Institute of Technology. Ten scientists at Cal Tech signed a statement concerning suspension of nuclear testing. I differed strongly with their position and felt that the manner in which the statement came out tended to imply that it was an official Cal Tech position. I wrote my letter stating my strong disagreement to 1 of the 19 scientists directly, Dr. Thomas Lauritsen. To the best of my recollection I did not send copies of this letter to the university or officials thereof, and the file carbon which I retained does not indicate any distribution. I would be less than candid if I did not say that my views concerning this matter were known to many people. However, I did not officially or unofficially request the dismissal of any or all of the scientists by the institute, and none were dismissed as a result of any action by me.

The general thrust of Senator McCARTHY's statement was the need for greater congressional supervision of the Central Intelligence Agency, and early in his statement he said there is no regular or normal procedure in existence or in use today by which committees of the Congress are consulted or informed of the Central Intelligence Agency's activities. There are, of course, subcommittees of the Armed Services Committees of both the Senate and the House, constituted as CIA subcommittees, and there are subcommittees of the Appropriations Committees of both the Senate and the House, constituted to consider the Central Intelligence Agency's appropriations matters. The Central Intelligence Agency has been at all times responsive to the calls of these subcommittees and in addition has brought to their attention matters the agency felt should properly be considered by them. I will continue this policy and this relationship with these subcommittees.

Senator McCARTHY's statement quoted a comment by Hanson Baldwin that intelligence is too important to be left to the unsupervised. In addition to the relationship with the subcommittees of the Congress set forth above, the Agency reports to the National Security Council and is subject to direction by the National Security Council. There are precise interdepartmental arrangements for consideration of certain of the Agency's activities so that the President and the Secretaries of State and Defense can apply policy guidance and be adequately informed.

Senator McCARTHY also sets forth a quotation from Walter Lippmann stating that the Central Intelligence Agency has been much too often an original source of American foreign policy. I do not consider that the Director of Central Intelligence is a policy-making position. The chief function of the Agency is to obtain all possible facts from all sources and after proper evaluation disseminate them to the President and other appropriate policymakers. I might be asked my personal views, and if so I would feel free to give them, but do not conceive that it is proper for the Director of Central Intelligence to volunteer in regard to questions concerning the national policy. Within the intelligence structure there are, of course, from time to time, policy questions concerning organization or methods, but these are not related and therefore must be clearly differentiated from matters of national policy and

are settled internally through the mechanism of the U.S. Intelligence Board.

I trust the foregoing will serve the needs of the committee.

Yours very truly,

JOHN A. McCONE,  
Director.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. SALTONSTALL. The Senator from Minnesota has raised the question of the constitutionality of actions, and so forth. I have been looking up the law. I believe that chapter 343 of the Acts of the 80th Congress, section 102(a), beginning on page 497, is still the present law regarding the Central Intelligence Agency. I wish to call attention to subparagraph (d) of section 102, which defines its duties. If the Senator from Minnesota will permit me to do so, I should like to read the five duties.

Mr. McCARTHY. I should be glad to have the Senator from Massachusetts do so.

Mr. SALTONSTALL. I read as follows:

(d) For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council—

(1) to advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as relate to national security;

(2) to make recommendations to the National Security Council for the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security;

(3) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities: *Provided*, That the Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions: *Provided further*, That the departments and other agencies of the Government shall continue to collect, evaluate, correlate, and disseminate departmental intelligence: *And provided further*, That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;

(4) to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

(5) to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.

I call especial attention to subparagraph (5):

(5) to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.

That would put the CIA directly under the National Security Council, to perform whatever actions the National Security Council asked the CIA to do, as I interpret that sentence.

Mr. McCARTHY. Of course, the question of constitutionality would arise so as to determine whether the CIA performed duties which the National Security Council had not directed, and

also whether the National Security Council may have directed things which were extra-constitutional, and in which the proper participation of Congress itself was not provided for. So it is a basic question of the involvement of Congress and its participation in decisions, some of which I think, under the Constitution, were not intended that Congress be involved, and that this question would still run through the State Department, the National Security Council, and the Central Intelligence Agency.

Mr. SALTONSTALL. The Secretary of State himself is a member of the National Security Council. Certainly we would hope the President would not authorize, through the National Security Council, anything to be done that was not constitutional.

Mr. McCARTHY. Perhaps we should ask for representation from Congress on the National Security Council. This might be an alternative to a joint committee on intelligence.

Mr. SALTONSTALL. I think that matter has been discussed in the past and decided in the negative.

Mr. McCARTHY. Conditions change. I think it was Edmund Burke who said that for every political decision or situation, the number of factors involved is infinite; therefore, the number of decisions that might be right is also infinite.

Mr. BARTLETT. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. BARTLETT. First, I desire to congratulate the Senator from Minnesota for his discussion this afternoon. I think the issues he has raised and the questions he has propounded ought to have been raised and propounded. While it is true that he—and, for that matter, all the rest of us—must, because of the very nature of the Agency which is the subject of the discussion, proceed, as it were, through the dark, darkly, yet he has brought out here points which I think will, in the long run, result in an improved functioning of the CIA. For that reason, if for no other, the country is indebted to the junior Senator from Minnesota.

I was very favorably impressed by the statement Mr. McCone made before the Committee on Armed Services, not once, but two or more times, in response to questions; namely, that he does not believe it to be the duty of the CIA to formulate policy. His description of the purpose of that organization is, as I recall his thinking about it, to collect intelligence and data. That seems to me to be vitally important. If rumors are to be believed, that has not always been true in the past.

My understanding of the situation is that foreign policy is to be conducted by the President, with advice and guidance coming principally from the Department of State, and that the contributions of the Central Intelligence Agency are to be made in the supplying of intelligence information upon which those decisions can, as we hope, be properly made. But if there are two or sometimes, as is rumored, more organi-

zations; especially in areas abroad, where we seek to influence people and governments, setting out different policies and guidelines, only confusion and sometimes chaos will result.

That is why I was especially pleased to hear Mr. McCone define the chief purpose, as is revealed in the printed hearings on his nomination, of the CIA as being a gatherer of facts.

Mr. McCARTHY. I thank the Senator from Alaska for his comments.

Mr. SYMINGTON. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. SYMINGTON. It is somewhat academic, but I think there is merit in the suggestion of the Senator from Minnesota for congressional representation on the National Security Council. At one time a distinguished former Member of this body, the Honorable James W. Wadsworth, introduced a bill to that effect. It had to do with making the Vice President a statutory member of the National Security Council. The proposal was opposed by the administration at that time, because it was considered that the Vice President was a member of the legislative branch, not the executive branch.

But I think there is merit in the idea, and I hope that at sometime the able Senator from Minnesota will develop any further thoughts he may have on that.

Mr. McCARTHY. I thank the Senator from Missouri.

On this point I think it important that Senators give attention to the entire matter of procedure. I think that sometimes we believe democracy is self-operating and that we do not need to worry very much about it or about what the channels are and what the juridical basis is, and we are inclined to believe that it will take care of itself. I was not a supporter of the famous Bricker amendment; but I do not think the only question involved was isolationism, because there were also questions of the authority of Congress and the involvement of Congress in some of the decisions. So I think we should give attention to this problem, not only in regard to the CIA and foreign problems, but also in regard to matters in domestic fields.

Mr. President, I have only one more related set of remarks to make. These have to do, not with this particular case, but with the entire function of the Senate in its role in acting on nominations.

Mr. SALTONSTALL. Mr. President, at this point will the Senator from Minnesota yield?

The PRESIDING OFFICER (Mr. BURDICK in the chair). Does the Senator from Minnesota yield to the Senator from Massachusetts?

Mr. McCARTHY. I yield.

Mr. SALTONSTALL. The Senator from Minnesota has made a learned presentation in regard to the CIA and supervision of it by the Congress, and other related matters. Do I correctly understand that the Senator from Minnesota opposes confirmation of the pending nomination; or is he raising questions now because he believes this is the proper time to raise questions in regard

to this subject, when the question of confirmation of a nomination is before the Senate?

Mr. McCARTHY. Let me say to the Senator from Massachusetts that several other Members have been concerned about some other related problems, and I should like to hear them express their views. But it is my feeling that whereas I would not say the nomination of Mr. McCone should be rejected on the basis of any one of the specific points which have been made against confirmation of his nomination, yet the total pattern or configuration is such that if it were for me to make the decision about confirmation of his nomination or rejection of his nomination, I would have to vote "No." So unless I am persuaded otherwise in the course of time—and of course, as Edmund Burke said, little time remains, for we must vote on this question the day after tomorrow, Wednesday, and even though I do not think many Members would base their decision on my declaration of position, yet I would have to say that as of now I am not prepared to vote in favor of confirmation of the nomination.

Mr. SALTONSTALL. Mr. President, will the Senator from Minnesota yield further?

Mr. McCARTHY. I yield.

Mr. SALTONSTALL. Whereas I agree on many subjects with the Senator from Minnesota, let me say very fervently and categorically that I disagree with him on this one, and I shall vote in favor of confirmation of the nomination.

Mr. McCARTHY. In view of the Senator's previous remarks, I assumed that he was likely to reach that conclusion.

Mr. FULBRIGHT. Mr. President, on this point, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. FULBRIGHT. A moment ago I thought the Senator from Minnesota would proceed to discuss the affirmative reasons which had been advanced in regard to the question of confirmation of this nomination. Do I correctly understand that the Senator has completed that part of his presentation?

Mr. McCARTHY. I thought that by indirection I had made those points. Certainly I do not dispute some of the claims made for the nominee or about his fine record, as pointed out by the Senator from Missouri. I can only say that I have in mind a different point.

As regards the administrative experience of the nominee, I am not in a position to challenge, or at least I am not inclined to challenge, any of those statements.

Mr. FULBRIGHT. Do I correctly understand that the Senator from Minnesota has said he has no knowledge of the nominee's views in regard to matters of foreign policy?

Mr. McCARTHY. I say that I am not informed in regard to his position on many matters of complicated and difficult foreign policy, and this is information which I should like to have.

Mr. FULBRIGHT. Did the Senator ask questions of the nominee himself on this subject?

Mr. McCARTHY. I did not. I said that I should like to have the committee ask questions on that. But I think the procedure in the committee is not to have other Senators ask questions there. Is that correct?

Mr. SYMINGTON. The Armed Services Committee was very glad to have the Senator from Minnesota submit questions. The Senator from Arkansas has brought up a pertinent point, because the chairman of the Senate Armed Services Committee permitted questions in any detail the Senator from Minnesota wanted to ask them. Some are part of the record, beginning with page 32, listed from 1 to 6. The answers were given by Mr. McCone in the letter which members of the committee received; and it is now part of the hearing record.

I would say, with great respect to the Senator from Minnesota, that if there were any specific questions for the purpose of challenging the nominee's capacity in this field, and his knowledge of foreign policy—which, as the Senator knows, is reasonably extensive, based on positions he has held in the past—inasmuch as the Senator from Minnesota has now declared his intention to vote against confirmation of the nomination, I would have hoped the questions would have been asked of the nominee at the committee hearing, so that before the Senator from Minnesota took the floor he would have had answers to any questions he cared to ask.

Mr. FULBRIGHT. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I shall yield in just a moment.

First, let me say that the questions to which the Senator from Missouri refers were included in my statement and were suggested to the Armed Services Committee as relating to an area about which they might wish to ask questions.

Mr. FULBRIGHT. That is what I wished to ask about. Did any member of the Armed Services Committee question the nominee in regard to this aspect of foreign relations?

Mr. McCARTHY. So far as I know, there were no questions there in regard to matters which can be defined as matters of foreign policy or relating to foreign problems.

Mr. FULBRIGHT. Does not the Senator think it is rather unusual that the committee did not ask questions about such matters, which are of primary concern to it?

Mr. McCARTHY. I had hoped they would, because the public record is very scanty.

Mr. FULBRIGHT. The Senator from Minnesota is not a member of that committee; is he?

Mr. McCARTHY. No, I am not a member of the Armed Services Committee.

Mr. FULBRIGHT. So the record does not show that any member of the Armed Services Committee asked about these matters; does it? I am asking the Senator that question.

Mr. McCARTHY. No; not in what I consider a sufficient way to go into such complicated matters.



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Mr. SALTONSTALL. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. SALTONSTALL. I should like to refer the Senator from Minnesota to the committee hearings at the top of page 42. From that page I quote the following statement by Mr. McCone:

As I said, from the standpoint of my competence in office, it is my responsibility to report facts, and, furthermore, I think I should avoid, so far as possible, being drawn in on a personal basis into any policy discussions because that, to an extent, may have some effect on what people, the validity that people might attach to the facts.

However, I would expect that because of the various areas of activity that I have had in Government in the past, that maybe my personal opinion may be asked on some subjects. But in my role as Director of Central Intelligence, it would be beyond my competence to deal with policy.

That was brought out at least two or three times during the discussion; and certainly in the past the former Director, Mr. Dulles, said clearly that he had never expressed himself on matters of policy. He said it was his duty to obtain the facts and to give them to the policymakers, who are the President, the Secretary of State, the Secretary of Defense, and so forth.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. SYMINGTON. Does the Senator believe a nominee to be Director of the Central Intelligence Agency can properly testify before a congressional committee, in open session, his views with respect to matters relating to his programs and policies, as he views them in regard to our intelligence activities in the various foreign countries?

Mr. McCARTHY. I do not know that it would have been necessary for him to discuss all of these in open committee sessions. I would not have been opposed to having the committee hold some executive sessions or limited sessions, if need be. But to satisfy myself, at least, I should have liked to have had a knowledge of his stand on some of these issues with which the Central Intelligence Agency will have to deal.

I think this raises a rather serious question in regard to what is the real role of the Senate in regard to acting on the question of confirming Presidential nominations—for instance whether the Senate is to take the position that the point of view of the nominee has no relationship to the question of confirmation, and should not be inquired into.

Mr. SYMINGTON. In open session—

Mr. McCARTHY. If so, that limits the role of the Senate to checking and ascertaining whether the nominee is honest, and whether he has FBI clearance, and perhaps whether under certain conditions he has a health certificate. In that event it could be said there is no need for the Senate to inquire into these other areas.

There is no need to hold extensive hearings, in my opinion, for important decisions to cover these three points; but, traditionally, the Senate has looked into

the matter of the point of view of a nominee. Let us take the Secretary of State. It may be pointed out that he simply is the instrument and agent of the President, so why should we ask him what his policies are? It could be said that this man is purely the representative of the Executive.

With respect to the appointment of a former Secretary of Agriculture, we Democrats went into that question extensively with respect to Ezra Taft Benson. Why did we not then say that he had nothing to do with policy; that he was simply the channel, the instrument, and was pure and undefiled? We raised the question of point of view and policies in many other areas that are not as important as they are in the determination of policies of the Central Intelligence Agency.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. SALTONSTALL. I say, just as emphatically as I can, from my knowledge of CIA and its activities over the years, that if Mr. McCone had made a statement on policy questions and had said, "I believe that this is the wrong policy, and this is the right policy," it would have affected my opinion very materially as to whether he was the right man for this kind of position to which he has been appointed. His job is not to express policy positions, but to get facts on which the policymakers can act. If they do not have the facts so they can do a job, he should get more facts or resign, or be asked to resign because he is not doing his job of getting the facts.

I say that most respectfully to the Senator from Minnesota, because in this instance it is distinctly against the nominee's qualifications for the position for one chosen to express himself on policies of the Government. That is my understanding of the situation.

Mr. McCARTHY. I think if we could be sure that he was going to be completely neutralized from now on, it might be the ideal. If he replied that he had no views or has had no views on policy problems that have been before us, it would be another matter. But I do not think the Senator would argue that Mr. McCone is a man who has no views or has had no views, so it is a matter of some significance to know what they are or have been. We can move from that point to determine whether or not he would let those views affect what he might do as the head of the Central Intelligence Agency. I say we would not accept a man as head of the Rural Electrification Administration and say we did not care what his views are. The Senate would not respond to that kind of appeal. I recognize that these remarks would not apply to the head of this Agency as they would to the head of the REA; but, in terms of procedure, I would be opposed to a man who had expressed certain views on the questions of policy in a field in which he was going to be active, because, in the formal sense, he would be expected to carry out the laws of Congress.

Mr. SALTONSTALL. If the Foreign Relations Committee did not ask a new Secretary of State for his ideas and position and feelings on foreign affairs matters, I think it would be derelict in its duty. That would be true with respect to the Committee on Agriculture and Forestry with respect to one's agricultural policies. But in this case it is not, I repeat, a policymaking job; this is an effort to find a man who is capable of getting the facts, administering the Department, picking out good men to work under him, so that they can get the facts and give those facts to the President, the National Security Council, and, when asked, to the Congress.

Mr. McCARTHY. The record shows that this Agency has been a policy making one and has had a great influence on policy. If such complete neutralism could be achieved, I think the Senator's case could be made. I was going to conclude with a statement which is really an answer to the question the Senator raised earlier. In this case the whole somehow is greater than the sum of its parts, and I am inclined to oppose the nomination.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. SYMINGTON. The Senator from Minnesota had an interview with Mr. McCone, did he not?

Mr. McCARTHY. Yes.

Mr. SYMINGTON. At the Senator's request?

Mr. McCARTHY. I think it was at his request.

Mr. SYMINGTON. Did the Senator find Mr. McCone evasive?

Mr. McCARTHY. No. I think he answered essentially in the same way he answered before the committee and in the letter which he subsequently sent to the committee when the committee suggested—I do not know whether it was a suggestion or not—that he answer in response to my question, which the committee presented to him.

Mr. SYMINGTON. The only reason I mention this conference is because of a discussion before the committee. I had felt the Senator from Minnesota was stating Mr. McCone attempted to discharge these professors.

Mr. McCARTHY. I have not raised that question here today.

Mr. SYMINGTON. I know the Senator has not. I am raising it.

Mr. McCARTHY. I have made no point about evasiveness with respect to any question.

Mr. SYMINGTON. I asked the Senator that question because I wanted it clear in the Record that he had not requested the discharge of these men and none were discharged.

Mr. McCARTHY. Insofar as I know, what the nominee said in answer to the various questions, not only in that hearing, but before the Joint Committee on Atomic Energy, presented a picture of one in whom there was no evasion or misrepresentation of fact.

Mr. SYMINGTON. I thank the Senator.

Mr. McCARTHY. There may be a few side facts that may not have been

presented, but, so far as questions went in that field, I would not say he has not completed the record.

Mr. SYMINGTON. I brought that question up because the question was asked. Are there any fields in which the Senator believes the nominee was evasive?

Mr. McCARTHY. At present, no. It is not a question of evasiveness. I have made no charge of evasiveness, but I raised some questions which had been raised, to which satisfactory answers were given in the hearings, and in part raised them here because they deserved special consideration in reference to facts in controversy with respect to the head of the Central Intelligence Agency.

Mr. SYMINGTON. I thank the Senator.

In the record the Senator from South Dakota asked the nominee about his position; whether he was a policymaker; and he said "No." I am sure it was the feeling of his predecessor that he should not be a policymaker.

Mr. McCARTHY. I thank the Senator.

Mr. President, I ask unanimous consent that there be printed at the conclusion of my remarks two documents, one a letter from John A. McCone addressed to the Honorable RICHARD B. RUSSELL, chairman of the Armed Services Committee, dated January 19, and an article entitled "The Secret Mission in an Open Society," by Harry Howe Ransom. At the time the latter article was written Mr. Ransom was on the faculty of Harvard, if I may correct my earlier statement. He has since moved from Harvard.

There being no objection, the letter and article were ordered to be printed in the RECORD, as follows:

CENTRAL INTELLIGENCE AGENCY,  
Washington, D.C., January 19, 1962.

HON. RICHARD B. RUSSELL,  
Chairman, Armed Services Committee,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR RUSSELL: I am happy to respond at the Armed Services Committee's request to the statement Senator EUGENE J. McCARTHY made on January 18, 1962, at the opening of the committee's hearings on my nomination to the position of Director of Central Intelligence. I shall respond directly to the specific questions posed by Senator McCARTHY at the end of his statement, but as other portions of the statement were considered during the hearings I shall also set forth my position in regard to them.

The first question asked if the Central Intelligence Agency is to be reorganized and if so in what respects. I have been and I am studying the organization of the Agency very intently. The present pattern of organization of the Agency is the result of years of study by competent people, both within the Government and outside consultants, and in my opinion it is not a bad pattern of organization. However, I believe that in all departments of the Government there is an evolution in management procedures and opportunity for improvement so I think that some changes will be indicated in the agency organization. I would propose to discuss any important changes with our congressional subcommittees.

During the hearings before your committee I read into the record a letter from the President concerning the scope of the responsibilities he has asked me to assume, and the President stated therein that he would expect me to delegate to a principal deputy as I may deem necessary so much of the direction of the detailed operation of the Agency as may be required to permit me to carry out the primary task of the Director of Central Intelligence. This, of course, I intend to do and while I will have overall responsibility for the Agency, I am studying what delegations of authority should be made to the Deputy Director of Central Intelligence.

Senator McCARTHY's second question asked what bearing such changes would have upon the duties of the head of the Central Intelligence Agency and upon the operation of the Agency. Any changes made in Agency organization will have no bearing on the duties of the Director of Central Intelligence, the scope of whose responsibilities is set forth in the Presidential letter mentioned above. The authority of the Director has been neither enhanced nor diluted, and I believe the purpose of the President's directive is to make clear that the Director of Central Intelligence is his principal intelligence officer to exercise the dual role set forth in the law, to be responsible for the direction of the Central Intelligence Agency itself, and to assure the coordination of the intelligence community as a whole. The one change that has been made is in connection with the coordination function. The Director of Central Intelligence is Chairman of the U.S. Intelligence Board, which is composed of the heads of all the intelligence components of the Government, and I have placed the Deputy Director of Central Intelligence on that Board to represent the views of the Central Intelligence Agency in connection with any matters considered by the Board. It appeared to me that if I served as Chairman and as such as the President's representative and the Deputy as the Agency's representative was the advocate of the Agency's viewpoint, I would be in a position to take a more objective point of view. This new arrangement was approved by the President in the letter referred to above.

Senator McCARTHY's third question asks for my views as to the authority for some of the actions attributed to the Central Intelligence Agency in the field of foreign affairs within recent years. Many events have been attributed to the Central Intelligence Agency over the years, and it would be impossible for me to have the facts on these matters, but I certainly do not accept that because they are attributed to the Central Intelligence Agency the Agency is responsible for them. The Senator's question appears to go to the basic juridical or constitutional authorities of the executive branch, and this involves profound legal questions which, since I am not a lawyer, I do not feel competent to debate. It is my understanding, however, that the President has wide powers in the field of foreign relations and within the framework of the Constitution is empowered to do what he deems to be necessary to protect and promote the national interest. At the present time, in my opinion, the national interest is best served by taking steps to deter the encroachment of communism. As provided by law the Central Intelligence Agency operates under the direction of the National Security Council, which is advisory to the President and of which he is Chairman and, therefore, it is but one of the arms in the complex of establishments which are involved in the Presi-

dent's conduct of foreign policy. I intend to carry out, to the best of my ability, all duties assigned, and I must assume that no such assignment would cause me to violate my oath of office to support and defend the Constitution.

Senator McCARTHY's fourth question concerns my judgment as to methods which can be justifiably used by the Central Intelligence Agency. The very nature of the question is such that I believe I cannot respond to it, particularly in the light of the responsibility imposed upon me by law to assure the protection of intelligence sources and methods from unauthorized disclosure.

Senator McCARTHY's fifth question was to the extent of my involvement, if any, in what had been described or reported as leaks from the Atomic Energy Commission with reference to the moratorium on nuclear testing. I know of no instance where I personally or any of the Commissioners were charged by anyone with leaking anything either on this subject or any other subject of a classified nature. There were leaks in this area, but there were none that were attributed to the Atomic Energy Commission.

Senator McCARTHY's sixth question inquired as to the facts with regard to the charge that I attempted to have scientists fired at the California Institute of Technology. Ten scientists at Cal Tech signed a statement concerning suspension of nuclear testing. I differed strongly with their position and felt that the manner in which the statement came out tended to imply that it was an official Cal Tech position. I wrote my letter stating my strong disagreement to one of the 10 scientists directly, Dr. Thomas Lauritsen. To the best of my recollection I did not send copies of this letter to the university or officials thereof, and the file carbon which I retained does not indicate any distribution. I would be less than candid if I did not say that my views concerning this matter were known to many people. However, I did not officially or unofficially request the dismissal of any or all of the scientists by the institute, and none were dismissed as a result of any action by me.

The general thrust of Senator McCARTHY's statement was the need for greater congressional supervision of the Central Intelligence Agency, and early in his statement he said there is no regular or normal procedure in existence or in use today by which committees of the Congress are consulted or informed of the Central Intelligence Agency's activities. There are, of course, subcommittees of the Armed Services Committees of both the Senate and the House, constituted as CIA Subcommittees, and there are subcommittees of the Appropriations Committees of both the Senate and the House, constituted to consider the Central Intelligence Agency's appropriations matters. The Central Intelligence Agency has been at all times responsive to the calls of these subcommittees and in addition has brought to their attention matters the Agency felt should properly be considered by them. I will continue this policy and this relationship with these subcommittees.

Senator McCARTHY's statement quoted a comment by Hanson Baldwin that intelligence is too important to be left to the unsupervised. In addition to the relationship with the subcommittees of the Congress set forth above, the Agency reports to the National Security Council and is subject to direction by the National Security Council. There are precise interdepartmental arrangements for consideration of certain of the Agency's activities so that the Presi-

dent and the Secretaries of State and Defense can apply policy guidance and be adequately informed.

Senator McCARTHY also sets forth a quotation from Walter Lippmann stating that the Central Intelligence Agency has been much too often an original source of American foreign policy. I do not consider that the Director of Central Intelligence is a policy-making position. The chief function of the Agency is to obtain all possible facts from all sources and after proper evaluation disseminate them to the President and other appropriate policymakers. I might be asked my personal views, and if so I would feel free to give them but do not conceive that it is proper for the Director of Central Intelligence to volunteer in regard to questions concerning the national policy. Within the intelligence structure there are, of course, from time to time policy questions concerning organization or methods, but these are not related and, therefore, must be clearly differentiated from matters of national policy and are settled internally through the mechanism of the U.S. Intelligence Board.

I trust the foregoing will serve the needs of the committee.

Yours very truly,

JOHN A. MCCONE,  
Director.

#### SECRET MISSION IN AN OPEN SOCIETY

(By Harry Howe Ransom)

Silence is the golden word of intelligence. Recent events, however, have trumpeted U.S. foreign intelligence activities at full volume and high fidelity for all the world to hear. What has come through is disturbing.

The Central Intelligence Agency's misfortunes have engendered the publicity which an efficient intelligence system always seeks to avoid. The fact that disclosures have been made in itself represents a failure. The nature of the disclosures raises troublesome issues, but the central question in the current White House and Capitol Hill investigations is, What is the role of the secret intelligence apparatus in a democracy?

Few would deny the necessity of intelligence activities. After the American U-2 aircraft was downed in Russia last year, President Eisenhower publicly confessed to the world that the United States—pursuant to authority granted in the National Security Act of 1947—seeks intelligence in every feasible way. The espionage side of this activity he described as a distasteful but vital necessity for security against surprise attack and for effective defense planning.

The Cuban fiasco, however, has revealed in unprecedented detail another side of CIA activities—clandestine political operations designed to subvert an unfriendly government.

Central Intelligence today has three principal functions: Intelligence collection, its analysis and communication to policymakers, and clandestine foreign political operations. The increasing necessity of these activities is attributable to three major reasons.

From earliest times, an intelligence apparatus has been an indispensable part of the paraphernalia of a great world power. The worldwide responsibilities of the United States today require both a system for keeping the complex details of world politics under constant surveillance and an instrument for secret foreign political action.

A second reason is that national policy decisions are based, increasingly, upon predictions of foreign political, economic, and military developments 5 to 10 years hence. This fact is a consequence of the long lead-time in developing weapons systems and of the need to make economical use of finite re-

sources to implement long-range foreign policy objectives.

Consequently, an intelligence system today is asked an incredibly wide range of urgent questions, answers to which can be obtained sometimes only by devious methods. When will Communist China test an atomic device? What future has the economic integration of Europe? How stable is the Government of South Vietnam? What course will Sino-Soviet relations take?

A third reason derives from modern military technological developments. Intelligence, it often is said, has become the first line of defense. Accurate and rapidly transmitted information is an absolute requirement for an effective strategy of deterrence. Strategic striking forces must have an accurate dossier of potential enemy targets. And essential elements of information always must be available to thwart an enemy's possible surprise knockout blow.

Much of such information is held in tightest security by the Iron Curtain countries, requiring a systematic effort to ferret it out. Similar information is freely available to the Communists from our open society.

Americans have not flinched at espionage or underground political action in wartime. A favorite national hero is Nathan Hale, who spied in the American Revolutionary cause. In World War II, the Office of Strategic Services was, deservedly or not, considered most romantic.

Short of declared war, however, secret operations are widely regarded as a dirty business, unfitting America's open, democratic—and formerly isolationist—society. Events of recent years have, nonetheless, revealed to the public at least the top of the iceberg of a vast secret intelligence program.

Distasteful or not, secret operations have become a major underground front of the cold war. The accelerating pace of cold warfare in Laos, South Vietnam, Thailand, the Congo, Latin America and elsewhere increases the pressure for greater American involvement in the secret black arts.

One's attitude toward these activities will depend, finally, upon one's assessment of contemporary international politics and of the requirements for the common defense. President Kennedy recently declared that the cold war has reached such a stage that "no war ever posed a greater threat to our security." If they take that as a valid assessment, most Americans will assume, although doubtless with misgivings, a wartime attitude toward secret operations.

Whatever one's view, the existence of a secret bureaucracy poses special problems in the American system of government. Knowledge is power. Secret knowledge is secret power. A secret apparatus, claiming superior knowledge and operating outside the normal checkreins of American democracy is a source of invisible government.

The American democratic system, however, is based upon the concept of visible, identifiable power, subject to constitutional checks and balances. One important check is the citizen's right to know what his Government is doing. Another is the existence of a free press to inform him.

How, then, can the controls of a democratic system be imposed upon the intelligence system while maintaining the secrecy required for its successful operation? Secret operations must remain immune from some of the normal checks, especially publicity. Heavy dependence must be placed upon politically responsible officials to exercise control.

In a parliamentary democracy, such as Great Britain, the problem is less acute. The difference is attributable to four factors.

First, Britain has been a world power for several centuries. Over the years a degree of confidence in the professionalism of secret operations has developed.

Second, parliamentary government unifies executive and legislative responsibility under majority-party leadership. When Ministers are also Members of Parliament, responsibility for management of secret functions is reinforced.

A third mitigating factor is "the establishment." That political leaders, intelligence chiefs and lords of the press often have common social ties facilitates consensus on necessary secrecy.

Fourth, the existence of the Official Secrets Act inhibits the publication of secret information by imposing legal sanctions on the press. Additionally, a special Government press arrangement exists under which British editors are sometimes asked upon receipt of Government defense notices, to refrain voluntarily from publishing specified sensitive information.

British intelligence services, too, are so organized that secret political operations overseas are entirely separate from political and military intelligence functions. An agency for secret operations is supervised by a special cabinet subcommittee. The point is that all are under firm political authority.

Totalitarian regimes, with their absolute control of the press, suppression of opposition and centralized government, have few of the problems of disclosure and control experienced by open societies. The Soviet Union is thought to possess the largest intelligence system in the world; its existence is never avowed by Communist leaders.

Even in dictatorships, however, problems exist. The interpretation of foreign intelligence doubtless is often distorted by the intelligence structure there are, of course, rigid ideology. And it is also a fact of history that the secret intelligence apparatus often has been a vehicle for internal political conspiracy. Invisible power is a potential threat to constituted authority whatever the form of government.

Aware of the danger of secret power within government, the President and Congress have attempted to surround the CIA and related secret apparatuses with controls. These are designed to reconcile the conflicting requirements of secrecy and of democratic control.

The first of these mechanisms derives from the fact that the CIA's functions are specified, broadly, by Federal statute, defining the agency as an instrument of the Presidency. The CIA's operational guidelines are some 2 dozen codified National Security Council intelligence directives, approved by the President. Action such as the U-2 flights and the Cuban expedition must be approved specifically by the President. In the past he has had the advice on such matters of a special NSC Subcommittee on Clandestine Operations.

A second potential check has been the President's eight-man Board of Consultants on Foreign Intelligence Activities. This was established early in 1956, after a Hoover Commission study expressed concern about the possibility of the growth of license and abuses of power where disclosures of costs, organization, personnel and functions are precluded by law.

The first chairman of this group, composed largely of distinguished industrialists and former armed-services officers, was James R. Killian Jr., then president of the Massachusetts Institute of Technology. President Kennedy recently reappointed Dr. Killian to the chairmanship of a reconstituted board

after a 2-year interval in which Gen. John E. Hull, retired Army officer, presided.

While the CIA's huge annual budget—estimated at more than half a billion dollars—is not subject to normal legislative review, three Congressional standing subcommittees on central intelligence in fact exist as a third potential checkrein.

The Senate and House Armed Services Committees both have subunits assigned as watchdogs over the CIA. The Senate subcommittee combines senior Senators from the Appropriations and Armed Services Committees. The House maintains a separate Appropriations Subcommittee, some members of which have been privy to such secrets as the atomic bomb (Manhattan project) appropriations during World War II.

The working principle of the intelligence system in the United States was expressed some years ago by Allen W. Dulles, Director of Central Intelligence:

"In intelligence you have to take certain things on faith. You have to look to the man who is directing the organization and the result he achieves. If you haven't got someone who can be trusted, or who doesn't get results, you'd better throw him out and get someone else."

Central Intelligence is subject today to three major criticisms. They involve questions of control by responsible authority, the efficiency of existing organizations and the problem of secrecy.

True, the CIA operates under Presidential directives, and interdepartmental groups from the National Security Council downward participate both in interpreting intelligence data and in authorizing covert operations. Yet the principal intelligence adviser to the highest authority remains the Director of Central Intelligence, armed with extraordinary secrecy inside the Government and with a secret budget.

In a complex world of fast-moving events and in a Washington intelligence community where CIA professionals are increasingly influential, too few sources of countervailing power exist. This particularly is a problem with covert operations in which the Presidency is largely dependent upon the CIA for information on what is being done or what needs doing. The danger of self-serving by the Agency is great. CIA may, without careful policy guidance, write its own ticket.

In its 6 years of existence, the President's Board of Consultants on Foreign Intelligence Activities, recently renamed the Foreign Intelligence Advisory Board, has functioned more as a polite alumni visiting committee than as a vigorous watchdog. With one professional staff assistant and a single secretary, the Board has been able only sporadically to oversee the 15,000-man CIA.

Congressional surveillance has been much the same—infrequent meetings of uncommonly timorous subcommittees. The attitude of veteran legislators assigned to these units is exemplified by one who declared:

"It is not a question of reluctance on the part of CIA officials to speak to us. Instead, it is a question of our reluctance, if you will, to seek information and knowledge on subjects which I personally, as a Member of Congress and as a citizen, would rather not have."

As astute politicians, Members of Congress realize the possible national embarrassment if they formally approved espionage or covert political action that fails and is disclosed. Yet even were Congress less inhibited about monitoring secret operations effectively, none of the subcommittees has adequate staffs today for thorough surveillance.

Secret intelligence must never be more or less than an instrument of national policy. Its control should remain primarily a responsibility of the Presidency, but Congress also must assume a more carefully defined and active surveillance role. And the Department of State, particularly, must be aggressive in weighing gain from success, against cost of failure, in every proposed major secret operation.

A second major criticism is that the CIA places under one roof the separate functions of intelligence collection, its analysis and underground foreign political action.

Those who would organize and carry out a proposed secret operation should be separated in the decisional process from those who supply and interpret information to justify the plan.

This unification appears to have been a major defect in the Cuban misadventure. It may explain both the prediction that Cubans would rise to assist the exiles in overthrowing Castro and the policy decision that the venture was feasible.

Planners and operational commanders notoriously come to view the plan as an end in itself. They gradually develop a state of mind that is receptive only to intelligence data that justify the plan's practicability. A distorted view of reality often results.

Another example is the unexpected intervention of the Chinese Communists on a large scale in the Korean war in November 1950. Hard intelligence was available that the Chinese Communists were infiltrating North Korea, with a strong possibility of major intervention. Yet the operational plan of General MacArthur's forces to drive north to the Yalu went ahead disastrously in disregard of available information that should have given pause. The decisional system should be insulated against this common cause of self-delusion.

Persuasive reasons possibly can be advanced for not placing covert foreign political and intelligence (informational) functions under separate agencies. If so, the dangers inherent in combining them should be recognized and appropriate safeguards provided.

A third and related criticism involves secrecy. Democracy cannot work without a free press. Expanding Government secrecy increases the danger of official manipulation of opinion and concealment of shortcomings of an incumbent leadership. Secrecy also vitiates the party and electoral system and reduces the meaningful autonomy of Congress. Yet again intelligence activities by definition require secrecy.

In the face of this dilemma, CIA's secrecy today has become ambiguous. This may be the fate of any secret apparatus within America's open society. But only in America have intelligence officials become famous personalities eager to mount the public rostrum. The director, deputy director and other CIA officials in recent years have made frequent public speeches, some containing implicit policy recommendations. The CIA leadership should become again publicly silent and unquestionably nonpolitical. Anonymity is the only proper role.

Another aspect of the CIA's ambiguous secrecy is that major operations that fail often produce, as we have seen, public confessions from highest authority. On the other hand, secret missions that succeed often are known to the press but voluntarily censored.

For example, the CIA played a dominant role in the overthrow of Premier Mossadegh in Iran in August 1953, after his abortive attempt, in league with the Communist Tudeh Party, to exile the pro-Western Shah. This role has never been officially admitted.

Another example is CIA's involvement in the 1954 Guatemalan episode. In an operation resembling on a smaller scale the recent Cuban expedition, the CIA aided the successful counter-revolution against the regime of Col. Jacobo Arbenz Guzman, which the U.S. Government regarded as Communist-dominated. The American press remained silent. Perhaps the inevitable penalty for failure is disclosure.

Self-restraint on the part of the press and of Congress in dealing with justifiably secret information will come at that point when confidence is restored in the professional quality and unquestioned subordination to political authority of secret operations.

It remains to be said that America's foreign policy headaches around the globe today stem less from information or organization deficiencies than from lack of clearly articulated foreign policy objectives beyond anticommunism. Many of the aforementioned problems of the intelligence system would solve themselves, given a clearer consensus about America's world purpose and specific policy objectives.

No greater challenge confronts American society than responding to the question of how the United States can engage successfully in protracted cold warfare without sacrificing the principles defended.

As an open democratic society, the United States has to recognize its handicaps in some form of competition with the closed societies of totalitarian regimes. It would be unwise to attempt to match the proficiency of Communist regimes in subversion as the main avenue to the attainment of national objectives. There is no point in America's fighting totalitarianism by imitating it.

It is equally as important to recognize that any Communist competitive advantage in cold warfare comes not alone from centralization, secrecy and rigid discipline. More important is the existence of a Communist purpose, clear objectives and refined doctrines for implementing them.

In a world still lacking universal acceptance of law and order based upon government by consent, the United States will sometimes face compelling requirements to engage in distasteful—indeed, illegal—secret operations. What is crucially important in a democracy is that plans, policies and programs for such reflect the deliberate, informed and purposeful decisions of responsible political authority.

Mr. McCARTHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today it stand in adjournment to meet at 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.



1962

## CONGRESSIONAL RECORD — SENATE

941

NOMINATION OF JOHN A. McCONE  
TO BE DIRECTOR OF CENTRAL  
INTELLIGENCE

The Senate resumed the consideration of the nomination of John A. McCone, of California, to be Director of Central Intelligence.

Mr. DIRKSEN. Mr. President, the question of conflict of interest continues to beset Congress session after session, and it does develop some rather awkward and embarrassing situations not only for Members but also for those who are appointed to come into the Government service because they have extraordinary talent and competence to render service to the Government.

In the instant case we are considering a very distinguished citizen. I do not believe there can be any doubt about the fact that he is a distinguished citizen. He was first nominated by the President in September of 1961. I believe the oath was administered at the White House by Chief Justice Warren in the latter part of November.

At the time the designation was made by the President of the United States, there was certainly a glowing statement with respect to John A. McCone and the confidence of the President in his capacity to discharge his responsibility as Director of the Central Intelligence Agency.

I took a little look at this problem, and I puzzled over it, largely because I am a member of the Committee on the Judiciary of the Senate, which committee has held some hearings and heard some testimony with respect to certain conflict-of-interest bills; one sponsored by the administration, one sponsored by the two distinguished Senators from New York [Mr. JAVITS and Mr. KEATING], and one which was reported by the House Committee on the Judiciary and which has been languishing on the House calendar I believe since July of last year.

I wish to use this nomination as a backdrop for what I say on the matter.

Mr. McCone, as I recall, is 60 years of age. I have talked with him on occasion and discovered that he is a mild-mannered man, a man of mild speech but of great competence. He was graduated from the University of California I believe in 1922.

The character of the man is evidenced pretty well by the fact that notwithstanding an engineering degree he became a riveter in an iron works. When a fellow is willing to start at the very bottom notwithstanding the great amount of engineering data and knowledge he has absorbed in college, I think it is pretty good testimony to his character and to his willingness to start at the bottom and to come up the ladder. By rapid stages he did come up the ladder, finally to help set up, in partnership with others, a business of his own.

For a long time Mr. McCone has devoted his talents, together with those of his associates, to the business of building troopships, of building refineries, of building all manner of facilities which are produced of steel.

Sooner or later a man like that was bound to get into the Government service. I think that high talent recommends itself. It is not at all surprising that three Presidents—President Truman, President Eisenhower, and President Kennedy—have availed themselves to Mr. McCone's service.

He came to the Government in an advisory capacity. I believe in the Truman administration, and showed aptitude and competence in the whole field in which the Air Force operates. He did a lot of work in the field of Air Force procurement, and he received the Civilian Service Award with high honors in 1951.

It was not surprising that in due course President Eisenhower should choose him to be a member of the Atomic Energy Commission. Certainly he rendered great service there.

He went back to private life, and President Kennedy then discovered his competence in many fields and thought he would prove very useful in directing the affairs of the Central Intelligence Agency.

This subject of conflict of interest is always a difficult problem, to say the least, about which one can scarcely talk without having it said that he is speaking in derogation of a person. That is the last thing I would undertake to do. It is a subject of interest to the Congress. I am raising the question only to excite some additional interest in the necessity that the Congress modify and clarify acts which have been on the books almost going back to the Civil War which in their application, if they were strictly applied, would provide some of the most fantastic results anyone could imagine.

I noticed in the House report on one of the acts on the books today that if a mail carrier assisted his mother in making out some kind of a pension application as to which Federal funds were involved he would be in violation of a Federal law and could be prosecuted, as existing law stands today.

This nomination has had attention, and a great deal has been written about Mr. McCone by Mr. Pearson. I think I have read most of the articles. A lot of the material was in quotation marks. Some of it was arrogated to our late distinguished and lamented friend, Senator Bridges. It was taken out of the Record.

I am sure that as people in the country read these observations it disturbs them even as it disturbs us. I came into the Chamber one noon recently and talked to a Member of the Senate. I said, "Did you see Mr. Pearson's article today?" He said, "I did." I said, "I am terribly disturbed and distressed about it. I do not quarrel with the articles as such, but I am thinking in terms of their impact on the thinking of people all over the country and what is our responsibility in undertaking to bring about a modification of the things which are on the statute books at the present time."

I know the nomination before the Senate will be approved. I say right now that I shall vote to confirm the nomination of Mr. McCone. However, this

nomination directs attention to the fact that without undue delay both the House and the Senate now ought to direct some really vigorous efforts to the business of revising the conflict-of-interest statutes with which we are presently dealing.

There are eight of these, and they fall roughly into four categories. The first would include officers and employees who act in behalf of an outside interest in dealings with the Government. I think an example probably would be a military officer who assists a private company in obtaining, let us say, a defense contract. That is one category with which existing law deals.

Another category would include the officials and employees acting for the Government in any kind of a transaction or deal in which they have a personal interest. We have had some examples of that over the years. I would not wish to specify particularly, and to let it appear that I was invidious about it, because I think if anybody wishes to go to the history books he can easily find those cases.

There is a third class, which includes those persons who were once upon a time officers and employees of the Government and who have left the Government, who represent some private concern, and who probably have made representations in behalf of a contract or an undertaking prior to the lapse of the 2-year period which is required. In some cases it could be an inadvertence. In some cases it might be deliberate. But in any event there is law that is directed against a violation on that score.

Finally we have another category: Officers or employees who take pay from a private source for Government work, as in the case of an attorney, being paid by the Government and serving the Government, but also accepting pay from an outside source for work done for the Government.

Those are the statutes in general that we have today, and they are obfuscating, prolix, and difficult to determine. Certainly it is difficult for a layman, or his counsel back home, to determine precisely what he has to do in order to cleanse himself in the eyes of the statutes now on the books if he were to serve his Government.

The weakness in this entire setup is apparent. Look at the cases in which Government could well use the part-time services of people who are admittedly expert in their fields. Why should they, for part-time service, under existing law, agree to divest themselves of their interests, make a full disclosure of their holdings, and be interrogated and cross-examined on every holding that they have? Then they would always be subject to have raised the possibility that they forgot something, and might become guilty of perjury. Such talents as they have are denied to the Government if a man refuses under those circumstances to march before a committee of Congress and say, "I am sorry. I have lived my life pretty well. I have become an acknowledged expert in the field in

which I operate. I am willing to serve my Government. I am willing to come for a month, 3 months, or 6 months. But I am not willing to come and lay everything on the board because I do not have to, because I have made my mark in industry and business, and I do not care to go through that ordeal."

Then, of course, still another weakness is that under existing law public officials can retain many private interests that are probably incompatible with their duty. That subject has not been explored too deeply, but certainly ought to be clarified so the average citizen could himself, without the benefit of counsel, look at a lawbook and say, "This I could do. This I cannot do. This kind of position I could accept without getting into difficulty."

Finally there is the unwillingness of men of stature who would be glad to serve their Government but were not, and perhaps could not, in justice to themselves and their families, always divest themselves of all their holdings. That is no easy undertaking, and yet what a burden it is upon the conscience of a man to whom the country has been good, who would like to serve his Government, but who simply must say, "I am sorry. What Government demands by way of questioning, cross-examination, and divestiture of interest and all the other things that I see recited on the front page is too much for me. So I shall not subject my family to whatever that interrogation may disclose. I would prefer to sit back and pursue my vocation as I have done before."

We have statutes on this subject that go back to 1873. I trust the Committee on the Judiciary, on which I serve, will now find inspiration for accelerated action out of the very confirmation that is before us, and hasten the proposed modifications of existing law so that it will be much easier for patriotic and steadfast citizens who wish to serve their Government to come into Government service.

I yield the floor.

Mr. ANDERSON. Mr. President, my sole purpose in rising today is that my attention has been directed to a portion of the testimony before the Committee on Armed Services in the case of Mr. McCone, in which a Senator present at the hearing said that in his opinion the inquiry which the Joint Committee on Atomic Energy had held in 1958 with reference to some action in connection with the teachers in California was perhaps not as thorough as it might have been, or at least the published reports of the inquiry were somewhat short of satisfactory.

I only wish to say that the one who raised that question is one of our fine Senators, my close personal friend, and I find it extremely difficult to comment on the subject. I only hope that what I say can be dissociated from the other remarks which he made.

I do wish to say that the Joint Committee on Atomic Energy—certainly the Senate section of the committee—in my opinion has not been notorious in fail-

ing to investigate individuals. We have had many witnesses before the committee. I think the members of the committee have been careful in asking important questions.

On the particular subject to which I refer, while the published record does not show all the questions which were asked, I can assure Senators that a great many questions were asked, carefully probed, and not all that appeared ever reached the surface.

For example, the President of the United States nominated a man from Iowa to be a member of the Atomic Energy Commission. The investigation by the FBI was not as recent as it might have been. It was reasonably complete, and that investigation did not reveal anything with reference to the nominee which should have caused him any trouble.

At the same time, the then Chairman of the Joint Committee on Atomic Energy received a great many letters with reference to the nominee, and when it was impossible to get any further information on him, the then chairman, at his own expense, sent an investigator out to see if some additional information might be developed.

We had the assistance of a great Iowa newspaper, which I believe had been friendly to the nominee, but that newspaper also was anxious to find the facts. We studied them as carefully as we could. Subsequently we hired a special investigator as a member of the committee staff.

I wish to point out that though the nomination was sent up by a Republican President, every Republican member of the committee voted to employ the special investigator, because every member of the committee wanted the investigation to be complete. When the special investigator had finished his work it developed that the nominee desired to have his name withdrawn, and it was withdrawn. He had been involved in a banking transaction which was not frightful, but which had developed a little difficulty that he recognized might have been embarrassing to him at some subsequent time.

The point I wish to make is that the Joint Committee never published any report on all the investigations we went through. It never tried to show how many hours of work the committee put in on this problem. If one would look at the evidence turned in by the Joint Committee, he might say that the committee did nothing because the nomination was presented to it and subsequently withdrawn.

Now let me turn to another nomination, the nomination of Sumner Pike, made by a Democratic President. The first nomination was sent up on October 28, 1946, a recess appointment. The nominee took the oath of office. Then the full nomination was sent to the Senate. The nomination was sent to the Senate section of the Joint Committee. The committee reported favorably upon him, and the nominee was confirmed. But he came up for another term of

office, and that particular time there was some objection to some of the things he had done. The Joint Committee had long open hearings, and then in executive session voted five to four to report the nomination adversely. Such action was taken. The Senate reversed the action of the Joint Committee and voted to confirm the individual.

I only point out that the Joint Committee did not merely take its work as a matter of course and go on their way. They made a careful study of the question.

There has been reference to a good deal of material that developed about Mr. McCone. It happens that in the files of the Joint Committee one would not find all the material that was gathered on Mr. McCone in the first days of the study.

I have a file before me which shows the name of a very distinguished former Member of the Senate, the late lamented Senator from New Hampshire, Mr. Bridges. I went to him because of the investigation that he had caused to be conducted by his committee. He did what people expected Senator Bridges to do, namely, he turned over to me such information as he had. I went through every piece of this information carefully and thoroughly. I asked the other members of the Joint Committee to sit with me in questioning Mr. McCone. Although the printed record of the hearings may not reveal in great detail the testimony that was taken, I can assure all Members of the Senate that a very careful check was made on all matters to which we had reference in connection with the matters that have been under discussion.

Another matter that I did not make public was the financial statement of Mr. McCone.

In meeting with Mr. McCone in the office of the then majority leader, Senator Knowland of California, I asked him for a complete financial report of everything he owned. He submitted it to me. He said he believed he did not need to do so, because he had already submitted one to the White House, which had been checked fully, and there had been no difficulty in connection with it. I still asked him for a complete financial report. He submitted it.

We went over that report very carefully. Mr. McCone and I went over it very carefully and other members of the Joint Committee on Atomic Energy joined us. It is a hard thing to review a man's financial resources and not rush out and publish everything about it. It is interesting to find an individual who owns a great many stocks but who lives modestly and plainly and does not display the fact that he is a man of substantial wealth.

We looked at the report very carefully. We made up a list as to which we said that those were stock that he ought to sell. I told him we thought he should sell those stocks. Of course I was not sitting in judgment. I had no authority to say that he ought to sell them. However, it bothered my conscience to have

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confirmed any man owning stocks in companies which may have contracts with the Atomic Energy Commission. I told him:

You are likely to have some business dealings with these firms when you are on the Atomic Energy Commission.

He was surprised that I should say that with respect to one of these companies. He thought that that company never had had any business transactions with the Atomic Energy Commission, but it had. When he looked at the list, he said:

I do not object to these; I will sell these stocks.

He did sell them. Then we came to another group of stocks. I said:

These are not in a black and white class. This is a particularly difficult ground we are now on with respect to these stocks. However, if I were you, I would dispose of these stocks also. I agree that they are not in any way in conflict, but I think I would dispose of them also. I think you will feel better if you did so.

There was no argument about it. He put a check mark next to every one of them. He said:

I will dispose of these also.

Then we came to stocks that we thought he could safely hold, in which his interest was not such as to conflict with his responsibility on the Atomic Energy Commission.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. SYMINGTON. If the Senator will allow me to interpose at this point I should like to say that the nominee feels the same way about it at this time. Reading from the RECORD at the point where Senator SALTONSTALL was interrogating the nominee and where the Senator from Massachusetts had asked a question about the nominee's holdings. The nominee says:

In 1958, I turned the management of the shipping company over to others, and disassociated myself entirely. I then at that time placed the stock of those companies in trust in a bank, which was an irrevocable trust, revokable only when I left the Government.

Now, I have not placed that stock back in trust. I am perfectly willing to do so.

The witness said this on January 18, 1962.

Then, later in the testimony, with respect to this trust he said:

I have no objection to the establishing of an irrevocable trust if there is reason to do so. I felt the peculiar wording and restrictions of the Atomic Energy Act made it advisable to establish that trust at that time.

Mr. ANDERSON. I only say to the Senator from Missouri that this is not the class of stocks to which I refer. I shall come to them in a moment. There was a certain class of stocks that he could own openly or—I believe lawyers use the expression—notoriously. So there was

not any possible conflict with respect to those stocks.

Then we came to a fourth group of stock, and I said:

I think on these, Mr. McCone, you ought to make a trust arrangement, so that you will not have any custody of them. The reason for it is that the Atomic Energy Act is peculiar. It does not permit a member of the Atomic Energy Commission to have any other business.

This was a 100 percent wholly owned company. While he was not going to devote any time to its management, I nevertheless said to him:

You do not want the charge to be made that as president and sole owner of the stock you had to be engaged in another business.

Therefore, he moved this stock into a trust arrangement.

Not only did he put them in a trust, but he submitted the trust agreement not only to the lawyers, but also to any member of the Joint Committee on Atomic Energy who wanted to look at it, to see if it was sufficient. I commended him for it, and I commend him now.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. SYMINGTON. My only point in bringing it up was that the nominee was completely willing to do whatever the Joint Committee on Atomic Energy thought should be done with respect to these holdings, which, as we both know, is not the case with all potential nominees. He did exactly what the chairman of the Joint Committee thought was right, and he also expressed the same thought before the Armed Services Committee, namely, that if the chairman and the committee thought it was the right thing to do, he was entirely willing to do it.

Mr. ANDERSON. I thank the Senator. I only say to him that this was not the action of the Joint Committee. It was merely the suggestion of the chairman of the Joint Committee. I said that I thought he would feel better if he made this disposition. He did exactly what was suggested. I made that suggestion, and he complied with it. That was typical of our entire dealings with him.

While it is true that not everything that took place appears in the record, there were many things that do not appear in the record that we did do.

I should like to give another case that came before the Joint Atomic Energy Committee. At one time a very fine scientist was suggested for membership on the Atomic Energy Commission. He was appointed by President Eisenhower, so we were not under any obligations to be extremely careful.

Some Members of Congress know that the Senator from New Mexico has not always been extremely careful in his relationship with people who get appointed. Here was a man who was named to membership on the Commission. I was tremendously interested because I had

known of the man's work at Los Alamos. He telephoned me while I was in New Mexico and asked me if he could come to talk to me before his name was submitted. Of course, I was happy to have him do so. Dr. Von Neumann came to see me and read a long list of things that he had done which some people regarded as being foolish and which he felt would cause some people to classify him as being an extreme liberal, and he wanted to know if I thought that was bad. I assured him that I did not so regard it. I said to him:

If your name comes before the Joint Committee on Atomic Energy, you will have to speak on every one of these subjects and discuss every one of them.

At a later date he did come before the joint committee in executive session and discussed every one of these things to which some people might have taken exception.

The things that he had done were based upon the fact that he had come into substantial amounts of money because of his inventive mind. If a friend was in need and came to him, he tried to help him.

We therefore examined Dr. Von Neumann in secret at first. Then in order that no one would be able to say that we did not cover the subject completely we held an open hearing, at which the able junior Senator from Tennessee [Mr. Gore] carefully phrased the questions and put them to the witness, so that the subject could be completely covered but without drawing other people into it.

We frequently do not put into the record everything that happens and everything that takes place. However, I wish to assure everyone that everything was carefully done. It is all very much like the case of an iceberg; not all of it is above the surface. Question after question was put to the witness carefully and thoughtfully, so that he might have a chance to testify as to what his relations had been and what had happened.

As many persons know, Mr. McCone was well liked by the members of the Joint Committee on Atomic Energy. I was in a strange situation, because people had worried that we might not get along together. I thought we got along splendidly. Other members of the committee thought the same.

So, as Mr. McCone was finishing his term of service in 1961, and Dr. Seaborg was coming in to succeed him, the Joint Committee on Atomic Energy had a special meeting in an afternoon. At that meeting, Mr. McCone gave his final report. At the very outset of it, I announced to the members of the committee that I hoped we might treat the session in two sections, one which would relate to Mr. McCone's final report, the other which would deal with our own expressions of feeling toward him. I wanted to make it possible to declassify

the minutes of the executive meeting and let them go into the record.

In my letter of February 13, 1961, I wrote to Mr. McCone, who was then in Los Angeles, having left the Government:

DEAR JOHN: As we both know so well, public life, and service has both rewards and penalties, pleasure, and regret.

It is my pleasure to send you a transcript of the words of praise and friendship extended to you by the members of the Joint Committee on Atomic Energy in our meeting on January 18. It is my regret that we will not be facing each other across the conference table again.

There is little I can add to what was said that last Wednesday except to stress the sincerity and unanimity in our appreciation of the contribution you have made to the country.

I then submitted to him a copy of the minutes of the meeting of the Joint Committee on Atomic Energy.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of my letter of February 13, 1961, and the portion of the minutes of the executive session which was informal.

There being no objection, the letter and minutes were ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,  
JOINT COMMITTEE ON ATOMIC ENERGY,  
February 13, 1961.

HON. JOHN A. MCCONE,  
Los Angeles, Calif.

DEAR JOHN: As we both know so well, public life, and service has both rewards and penalties, pleasure, and regret.

It is my pleasure to send you a transcript of the words of praise and friendship extended to you by the members of the Joint Committee on Atomic Energy in our meeting on January 18. It is my regret that we will not be facing each other across the conference table again.

There is little I can add to what was said that last Wednesday except to stress the sincerity and unanimity in our appreciation of the contribution you have made to the country.

Sincerely,

CLINTON P. ANDERSON,  
Chairman.

EXECUTIVE SESSION (INFORMAL), MEETING NO. 87-1-1, WEDNESDAY, JANUARY 18, 1961, OF THE JOINT COMMITTEE ON ATOMIC ENERGY, CONGRESS OF THE UNITED STATES, WASHINGTON, D.C.

The Joint Committee on Atomic Energy met, pursuant to call, at 2:30 p.m., in the committee room, the Capitol, Hon. CLINTON P. ANDERSON (chairman) presiding.

Present were: Senators CLINTON P. ANDERSON (presiding), JOHN O. PASTORE, ALBERT GORE, HENRY M. JACKSON, BOURKE B. HICKENLOOPER, HENRY DWORSHAK, and WALLACE F. BENNETT; Representatives CHET HOLIFIELD, MELVIN PRICE, WAYNE ASPINALL, WILLIAM BATES, and JACK WESTLAND.

Committee staff present: James T. Ramey, executive director, John T. Conway, George F. Murphy, Jr., and Carey Brewer.

Representatives of the Atomic Energy Commission: Hon. John A. McCone, Chairman; Hon. John S. Graham and Hon. Loren K. Olson, Commissioners; A. R. Lueddecke, General Manager; Dwight A. Ink, Assistant General Manager; A. D. Starbird, Director,

Division of Military Application; Howard C. Brown, special assistant to the Chairman; and Richard X. Donovan, special assistant for congressional relations.

Chairman ANDERSON. The meeting will come to order.

Today we meet with Mr. McCone for the last time prior to his leaving the chairmanship of the Commission on Friday. The purpose of our meeting is to permit Mr. McCone to give us his views on the status of the atomic energy program and the questions and problems which we face.

I would like to suggest that we withhold accolades as to Mr. McCone's abilities and accomplishments until the end of our session today in order to permit him to proceed in an orderly manner with his presentation. I will say, however, at this point that the relationship between Mr. McCone and me personally and, I believe, the other Members and the staff of the Joint Committee has been most cordial and constructive throughout the 2½ years he has been with the Commission.

I understand you have a prepared statement, Mr. McCone, which you will file with the committee, but that you will talk to us in a more summarized way from notes.

We have with us here today, also, General Starbird, who will be leaving the Commission in a week or so as Director of the Division of Military Application. We are going to miss his great participation and we are also going to miss his important contributions to the program.

Following our session we expect to have some refreshments and I hope that everyone will stay for a brief social gathering with Mr. McCone, the other Commissioners, General Starbird, and the staff of the Atomic Energy Commission.

Mr. McCone, will you please proceed?

Chairman MCCONE. Thank you very much, Mr. Chairman.

I would like to reserve for the end of my statement my comments as to the very warm and sincere feeling I have toward this committee and all of the members and the manner in which they have treated and cooperated with me.

(There followed a discussion of the various atomic energy programs which appears in a separate, classified transcript.)

I would like to close by thanking you, Mr. Chairman, and you, Mr. HOLIFIELD, and every member of this committee for the wonderful cooperation, friendship, and support you have given me. It has been a very gratifying and pleasing experience.

I want to thank Mr. Ramey and the staff also for the cooperation they have given us.

Chairman ANDERSON. I want to say, Mr. Chairman, I have tried to terminate your report only because I wanted every member of this committee, who wished to do so, to have an opportunity to put some words in the permanent record.

May I say first of all this has been a very pleasing and heartwarming experience for me. I have enjoyed working with you.

Incidentally, I am in the same situation as you are. I am leaving the chairmanship of this committee and will not return to it. Therefore, I am grateful for this opportunity to express in this closing year of my chairmanship the pleasure I have had in associating with you and to thank you for your many courtesies and constant understanding which I appreciate most sincerely.

Mr. ASPINALL, who could not remain, left a statement which he asked be inserted in the record at the appropriate place. This will be done.

Representative HOLIFIELD. Mr. Chairman, I would like to say this to Mr. McCone. I value

highly the service you have rendered ever since you came on the Commission in 1958. I have never worked with a man whom I thought was more dedicated or applied himself more industriously and energetically to a position in the executive branch of the Government. I think you have rendered a great service. I appreciate the personal association I have had with you and the frankness and candor with which you have answered our questions and responded to our requests for information.

As you leave your place in the executive branch, I am confident that you do so with the high regard of all of our Members. I want to take this opportunity also to say that Mr. PRICE, who had to return to his office because of constituents, asked me to include him in my remarks and in those other laudatory remarks he knew would be made today. He shares in the high regard we all have for you.

Senator HICKENLOOPER. Mr. Chairman, it is a little difficult for each member of the committee to say the same thing in a different way, yet we all want to join in what has been said.

From a personal standpoint I want to say to you—and for the record—that you have brought as high a degree of capability and understanding to this job as an individual could bring. You are not a physicist, but you are an engineer of ability and you have a practical fundamental grasp of the subject matter and a capacity to get into these scientific matters from the standpoint of your background and training.

You have brought to the Commission the highest degree of business judgment—practical business judgment. I think that has been very important. After all is said and done, in my view the Atomic Energy Commission is not a scientific agency purely. It is an industrial production agency. It requires a combination of a high ability to grasp the scientific phases of the matter and a high degree of practical business, administrative and production knowledge. You not only have this combination of abilities, but you have displayed it unusually well.

There is no one who has occupied a position on the Commission who has enjoyed greater confidence or trust than you have. That is a matter of common agreement on this committee.

You have been extremely forward looking in your attitude and your devotion to this program. I met Dr. Seaborg outside just a few minutes ago and we recalled some of the early days in the committee, the whole project and some of our associations at that time. We both agreed the picture doesn't look the same today as it did 14 years ago. I don't know what it will look like in another 10 years, but I do believe your forward looking attitude in the programs which you have sponsored will have a great effect on the programs in the indefinite future.

I wish you well in the future. I wish you continued success. I hope you will have the satisfaction you deserve from again serving your Government in a most vital way.

Senator PASTORE. I associate myself with all of the statements that have been made.

However, let me say this. You have become, in my opinion, a model of what a dedicated and devoted public servant should be. There was a time in this committee when I was rather apprehensive at the relationship between the executive branch and the legislative branch. I think it has been through your strong personality and through your temperament that much of that disturbed atmosphere has been cleared. This committee has renewed confidence in the executive branch, for which you should take a great deal of credit.



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I dislike to see you go, but after all you have your reasons. It has been a very illuminating and refreshing experience for me to be associated with you. I remember our very cordial relationship in Geneva. There it was my privilege to meet Mrs. McCone, the very charming and devoted lady who, I think, may be largely responsible for what you are. I congratulate you and I wish you many, many years of good health, success, and happiness.

Representative ASPINALL. Mr. Chairman, I too wish to join in the words of commendation which are being directed to the retiring Chairman of the Atomic Energy Commission.

I desire to thank Chairman McCone personally for the loyal, constructive, able, and effective service which he has once again rendered to his Nation and fellow men. The members of this committee, of the Congress, of the administration, and of the Nation shall be forever indebted to Chairman McCone for his dedication to service and the wise counsel and leadership which he has provided for the nuclear energy program during his incumbency of the office.

As he leaves our association, I wish for him life's better blessings—good health and sweet happiness. I sincerely hope that the association we have had together shall not be brought to an end, but, rather, that we shall find ourselves in his company oftentimes in the days and years ahead of us.

Senator GORE. Mr. Chairman, my predominant feeling today is a sense of loss both of a personal nature and of a public nature. Few men can bring to public service the personality and the intellectual capacity which Mr. McCone possesses and of which he has given so generously.

Senator PASTORE referred to the improved relationship between the Commission and the committee. That was much to be desired. I would that I could have some of the gentleness of manner which Mr. McCone nearly always demonstrated. [Laughter.]

And yet I love the Irish in him. It is there. I am glad it is there. The trouble is that—to make an invidious comparison—it is in me too much.

It is with genuine regret that I see you leave public service, John McCone, and if I have my way about it, you won't have the luxury very long. I think this country needs you. I shall undertake to persuade somebody to persuade you to get back into the service of the country.

Representative BATES. Mr. Chairman, I will not detain the committee with any extensive remarks. I have expressed personally to John the great respect I have for him and the work he has done.

I came on the committee about the same time he became Chairman of the Atomic Energy Commission. I did so with some consternation, having read in the newspapers of the bitter controversies which existed between some members of the Joint Committee and the Atomic Energy Commission. I have no firsthand knowledge of those circumstances and could not, and see no need to, pass judgment on the situation as it existed at that time. I do, however, wish to state that the extraordinary administrative qualities of John McCone brought about an atmosphere in these relationships that was pleasant and harmonious. He had that innate quality of balance that permitted him to be firm in principle, yet cooperative in understanding alternative points of view.

He has gained our respect and our admiration. He can leave his assignment with a great deal of pride. My only regret is that the country will lose the services of a distinguished servant and patriot.

Senator JACKSON. Mr. Chairman, I am sorry I can't stay for the reception after this meeting.

However, I do want to express my appreciation to Mr. McCone for the fine job he has done as Chairman of the Atomic Energy Commission. This is not his first service to the country. He has served in many other capacities. I remember particularly his outstanding work as Under Secretary of the Air Force at the same time Mr. Lovett was Secretary of Defense.

I want to say, Mr. McCone, that while we may not agree on every aspect of the atomic-energy effort, I do believe you have brought to the office a high degree of competence with your background as an engineer in private life and your administrative experience. You have handled your job well under what have been trying and difficult circumstances at times.

I personally wanted to come here today and express my appreciation for the service you have rendered the country.

Senator DWORSHAK. Mr. Chairman, I share the sentiments which have already been expressed by my colleagues, and I consider it a tragic loss that you are leaving the service of the Government at this time.

It has been a real pleasure for me to have the opportunity to work with you. You have dispelled the feeling I had 4 years ago when I became a member of the committee that we were to face constant turmoil and dissension in the relations of the Atomic Energy Commission and the Joint Committee which naturally impaired the progress which I have strongly desired be made in this field.

I want to express also the appreciation of the people of my State of Idaho for the very fine understanding you have displayed and the sympathetic cooperation you have extended in the management of the Idaho installation of the Atomic Energy Commission.

While recognizing the personal sacrifice you have made in leaving your home and your business in California to assume this great responsibility, I do share the hope of my colleagues that because of your dedication as an American patriot you will find it possible to assume other responsibilities in the future and continue to help our government solve many of the problems which so strongly affect the security of our Republic.

Representative WESTLAND. Mr. Chairman, after all of these statements that have been made, it is rather difficult to think of anything further to say.

I, like Mr. BATES, have been on this committee for 2 years. I consider it a real privilege to have served with this committee and to have been associated with you. I appreciate the many questions you have answered in words of one syllable; answers that have helped me to learn something about this industry and the problems facing the Nation in the atomic energy program.

There is no question in my mind, John, but that you have brought great prestige, nationwide to the Atomic Energy Commission, some of which has rubbed off on this committee, and has helped the atomic energy program in the United States and perhaps throughout the world.

I have admired you particularly for your stability in your decisions. Once made you have stood by them despite occasional contrary opinions from equally high levels in government. Having decided what you believed to be the right course for this country, you have maintained that position. To me this is a great character building example for, perhaps, all of us.

I have only one thing to add—I would say that I am sure your golf game will improve after you get away from this job. [Laughter.]

Senator BENNETT. John, you have heard all of these encomiums and these suggestions. It is my job to sum up and I will do it with the Biblical phrase, "Well done, thou good and faithful servant."

Chairman ANDERSON. Although this is something which has not been done before, I would like to ask permission to have these statements that have been made today transcribed in a separate record which would then be sent to Mr. McCone.

If there is no objection, that will be done. The meeting is adjourned.

(Whereupon at 4:35 p.m. the meeting was adjourned.)

Mr. ANDERSON. Mr. President, I could place in the RECORD a great many other things. I simply wish to say that I believe the committee carefully considered Mr. McCone's qualifications before he officially became the nominee. Before his name was announced, I had sat down and gone over a great many things with him in the presence of the Senator from California, Mr. Knowland, and the Senator from Iowa [Mr. HICKENLOOPER]. Then I had had other extended conversations with him, trying to bring out facts which I thought were essential. If the Joint Committee did not do its work, then I am sorry; but I fully believe as much care was given to Mr. McCone's nomination as probably any committee in Congress ordinarily would pay to the usual nomination.

We were happy to see how the nomination worked out. We were very happy with the work Mr. McCone displayed. I think we tried to be extremely cooperative. I believe Mr. McCone tried to carry out the instructions of the President and, at the same time, deal with the committee, which was dominated by the opposite political party. It is a very difficult situation to carry out the wishes of a President who is of one political party and to deal with a committee composed of members, a majority of which are members of another political party. However, I think the nomination worked out very well.

I am happy to say that I enjoyed visiting with Mr. McCone and watching what he did. I for one wish to pay tribute to the fine way in which he operated as Chairman of the Atomic Energy Commission.

Mr. JACKSON. Mr. President, I wish to associate myself with the remarks of the able Senator from New Mexico [Mr. ANDERSON].

I have served for many years on the Joint Committee on Atomic Energy, both in this body and in the House. I know that what the Senator from Mexico has said today regarding the thorough investigation made prior to the action taken by the Joint Committee in approving unanimously Mr. McCone's nomination is true. I think it is unfortunate that these allegations are being dredged up all over again, after two committees, prior to the consideration of Mr. McCone's nomination by the Committee on Armed Services this year, had acted unanimously on his appointment, first, as Under Secretary of the Air Force in, I believe, 1948, and later, in 1958, when he

was appointed chairman of the Atomic Energy Commission.

Mr. President, it is not easy to get able and qualified men to serve in the area of national security. I have always been of the opinion that such men should be selected without regard to their partisan backgrounds. I have felt that the main criterion for consideration should be their ability and qualifications. I took this position before I was chairman of the Democratic National Committee, and I have taken the same position ever since. As a matter of fact, I took that position during the course of the campaign itself. The President of the United States stated very clearly during the course of the campaign in 1960 that he would select men in the area of national security without regard to party.

The President had many such precedents for the service of able men. In the Wilson administration, in the administration of Franklin D. Roosevelt, and in the Truman administration men have served who were not members of the Democratic Party.

From personal experience on the Joint Atomic Energy Committee I know a good deal about Mr. McCone's ability and his knowledge in the field of national security. I believe we are fortunate in being able to bring into the Government a man with Mr. McCone's background and experience.

Mention has been made earlier of some of the offices which Mr. McCone has held and in which he has served his country. I believe the distinguished Senator from Illinois [Mr. DIRKSEN] went into some detail in that respect. Suffice it to say that Mr. McCone served on the so-called Finletter Committee, the Air Policy Commission, in 1947. He served as a special deputy to the then Secretary of Defense, James Forrestal; then as Under Secretary of the Air Force; and subsequently as chairman of the Atomic Energy Commission.

Some persons have said Mr. McCone has not had experience in the field of intelligence. The point is that we need a man who has the judgment, common sense, and administrative ability to deal with the many problems which arise in the position of Director of the Central Intelligence Agency. At least in my judgment, Mr. McCone has had experience in the broad area of national security that few people in Government have had. He is a good administrator.

I must also add that during his service as Chairman of the Atomic Energy Commission Mr. McCone foresaw what the Soviets would do, especially in the area of nuclear testing. The campaign against Mr. McCone stems, in fact, not from concern over the unfounded allegations of conflict of interest, but really because of concern for his hard, tough policy in relation to the Soviet Union. I know of my own knowledge how right Mr. McCone was concerning what the Soviets would do in the field of nuclear

testing. He was honest and forthright in his dealings with the Joint Committee on Atomic Energy. He gave us his point of view. He stated his opinions candidly, fairly, and objectively. He took a position which was in disagreement with that of some members of his own administration.

I am confident that Mr. McCone as head of the Central Intelligence Agency will act from a broad, rich experience which will make it possible for him to serve effectively in this area. He will be intellectually honest in his judgments in evaluating the information which will be entrusted to him. We are indeed fortunate to have a man of his capacity willing to serve the country during this troublesome period.

Much has been said concerning an alleged conflict of interest. These allegations have been made before, as I have indicated, and have been unanimously rejected by three different committees, including the Committee on Armed Services, which heard his testimony. We had all the information before us. Some persons simply wish to bring out matters which have been completely refuted. These matters are raised now as part of the campaign against Mr. McCone—a campaign which stems mainly from disagreement with the hard policy he has always taken with reference to difficult decisions which must be made in the area of national security affecting our relations with the Soviet Union.

Mr. President, I am confident that Mr. McCone will be an able and an effective Director of the Central Intelligence Agency, and that he will faithfully discharge his duties in the interest of our national security. If there is an area in Government where we need men who are tough and hard and able administrators, rich with good sense and good judgment, and who will indeed take a hard, tough position, it is in the Central Intelligence Agency.

I am confident that Mr. McCone will be worthy of the trust—and it is indeed a great trust; it could be the security of our country—that we place in his hands when he undertakes to do this job. I can only say that it would be a tragedy if Mr. McCone were to embark on his new position with a substantial vote against him in the Senate.

Mr. President, we should give Mr. McCone a unanimous vote. I only hope that Senators who speak in regard to the nomination of Mr. McCone will weigh carefully their words and will make sure that they do not attempt to use arguments in the area of so-called conflict of interest as a means of justifying their opposition to him. If they believe he is not qualified they should state wherein he is not qualified.

But I hope and trust that the Senate will give Mr. McCone an overwhelming vote of confidence, so that when he embarks on his duties as Director of the Central Intelligence Agency he will

know, and the country will know, that he has the full confidence and support of the Senate, which are so essential in connection with the doing of a very taxing and difficult job—one which is most difficult under even the best circumstances.

Mr. SYMINGTON. I associate myself with the remarks of the able Senator from Washington, one who has had so much experience working with the nominee in broad and classified matters.

I shall speak briefly on this nomination before the vote.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. METCALF in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE COLLEGE ACADEMIC FACILITIES AND SCHOLARSHIP ACT

Mr. CLARK. Mr. President, tomorrow in the House of Representatives, and later this week in the Senate, there will come before the Congress, for debate, the College Academic Facilities and Scholarship Act, which in this body is Senate bill 1241. The chairman of the Education Subcommittee of the Senate Committee on Labor and Public Welfare, the distinguished senior Senator from Oregon [Mr. MORSE] is unfortunately detained, because he is serving as a member of our delegation at the Punta del Este Conference, in Uruguay. He has obtained, on a State-by-State basis, statistical information which in his judgment would be of assistance to each of the Senators participating in the debate, and also would be helpful to the Members of the other body when they initiate their debate, tomorrow. He has asked me to have this material placed in the Record at his request, in order to help us in our consideration of this important matter.

The information developed consists of such items as current and projected college enrollment, financial assistance to students administered through the colleges and universities, data on the public junior colleges of each State, estimated expenditure of colleges and universities for student higher education, and college age population data.

Mr. President, I ask unanimous consent that the material to which I have alluded be printed in the Record at this point in my remarks.

There being no objection, the data were ordered to be printed in the Record, as follows: